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JOURNALS

OF THE

CONVENTION

Of the Free, Sovereign and Independent People of Texas, in General Convention Assembled.

In accordance with an ordinance, passed by the General Council on the eleventh of December, A. D., one thousand eight-hundred and thirty-five, and sanctioned by his Excellency the Governor, Henry Smith, on the thirteenth of the same month; and with a view to consummate the will and wishes of the General Council, his Excellency the Governor, Henry Smith, did issue his proclamation to all municipal Judges, Alcaldes and citizens, that elections should be held on the first day of February next, in all the municipalities of Texas, for the purpose of electing delegates to a Convention, to be held in the town of Washington, on the first day of March ensuing, to be clothed with ample, unlimited or plenary powers, as to the form of government to be adopted; *Provided*, that no Constitution should go into effect, until the same be submitted to the people, and confirmed by a majority thereof.

WASHINGTON, TUESDAY, March 1st, 1836.

There being a quorum of the delegates elect present,

On motion of Mr. Everett,

Mr. Collinsworth was called to the chair.

On motion of Mr. Parmer,

Mr. Willis A. Faris was appointed Secretary pro. tem.

On motion of Mr. Parmer,

Resolved, That a committee of three be appointed to examine and report upon the credentials of the delegates elect.

The question being taken thereon, it was decided in the affirmative. Whereupon the Chair appointed Messrs. Parmer, Everett and Childress, and

On motion of Mr. Houston,

Mr. Zavala, was added to said committee.

On motion of Mr. Houston,

The Convention adjourned until two o'clock.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment.

The committee appointed to examine and report upon the credentials of the delegates elect, through their chairman, Mr. Parmer made the following Report, to wit:

From the municipality of Austin, *Thomas Barnett* and *Charles B. Stewart*.

From the municipality of Brazoria, *Edwin Waller*, *James Collinsworth* and *John S. D. Byrom*.

From the the municipality of Washington, *Benjamin Briggs Goodrich*, *G. W. Barnett*, *James S. Swisher* and *Jesse Grimes*.

From the municipality of Mina, *J. W. Bunton*, *Thomas J. Gazley* and *R. M. Coleman*.

From the municipality of Gonzales, *Mathew Caldwell* and *John Fisher*.

From the municipality of Milam, *Sterling C. Robertson* and *George C. Childress*.

From the municipality of Nacogdoches, *Robert Potter*.

From the municipality of San Augustine, *Martin Parmer*, *S. W. Blount* and *E. O. Legrand*.

From the municipality of Sabine, *William Clarke, Jr.*, and *James Gaines*.

From the municipality of Harrisburg, *Lorenzo de Zavala*.

From the municipality of Jasper, *Stephen H. Everett* and *George W. Smith.*

From the municipality of Matagorda, *Baily Hardeman.*

From the municipality of Jackson, *Elijah Stepp.*

From the municipality of Shelby, *Sidney O. Penington* and *William C. Crawford.*

From the municipality of Jefferson, *Claiborne West* and *William B. Scates.*

From the municipality of Refugio, *James Power, Samuel Houston, David Thomas* and *Edward Conrad.*

From the municipality of Goliad, *William Mottley.*

From the municipality of San Patricio, *John Turner.*

From the municipality of Bejar, *Francisco Ruis, Antonio Navarro* and *J. B. Badggett.*

From the municipality of Pecan Point and vicinity, *Robert Hamilton, Richard Ellis* and *Collin McKinney.*

From the municipality of Colorado, *William D. Lacy* and *William Menifee;* and

On motion of Mr. Parmer,

The report was received and agreed to.

On motion of Mr. Potter,

Resolved, That the Convention proceed to the election of a President of their body.

The question being taken it was agreed to. Mr. Everett nominated Mr. Ellis, and there being no opposition, Mr. Ellis was declared unanimously elected President of the Convention, who was conducted to the chair by Messrs. Collinsworth and Everett; whereupon the President addressed the Covention at some length on the importance of their duties.

On motion of Mr. Collinsworth,

The Convention proceeded to the election of a Secretary to their body.

Mr. Collinsworth nominated Mr. W. A. Faris; Mr. West nominated Mr. E. M. Pease; Mr. Legrand nominated Mr. H. S. Kimball.

The President appointed Messrs. Everett and Childress tellers, and the votes being taken, the tellers reported, that

Mr. W. A. Faris received ten votes; Mr. E. M. Pease received seven votes; Mr. S. H. Kemball received twenty-four votes, whereupon the President declared Mr. Kemball duly elected Secretary to the Convention, who was conducted to the Secretary's table by Messrs. Everett and Childress.

On motion of Mr. Potter.

The Convention proceeded to the election of a Sergeant-at-Arms.

Mr. Potter nominated Mr. Isham Parmer, and there being no opposition, the President declared Mr. Parmer duly elected Sargeant-at-Arms of the Convention.

On motion of Mr. Potter,

The Convention proceeded to the election of a Door-Keeper.

Mr. Potter nominated Mr. John A. Hizer, and there being no opposition, the President declared Mr. Hizer duly elected Door-Keeper of the Convention.

On motion of Mr. Goodrich,

The Convention proceeded to the election of an assistant Secretary and an engrossing Clerk.

Mr. Bunton nominated Mr. Pease for assistant Secretary, and Mr. Goodrich nominated Mr. Saul for engrossing Clerk, and there being no opposition, the President declared them both duly elected.

On motion of Mr. Childress,

Resolved, That the President appoint a committee of five to draft a Declaration of Independence.

Mr. Parmer offered the following as an amendment:

Resolved, That the President appoint one delegate from each municipality a committee to draft a Declaration of Independence.

And the question being taken thereon, it was decided in the negative.

The question recurring upon Mr. Childress' resolution, it was decided in the affirmative; whereupon the President appointed Messrs. Childress, Gaines, Conrad, McKinney and Hardeman, said committee.

On motion of Mr. Gazley,

Resolved, That the President appoint a committee of five, to draft rules for the order and government of the Convention.

And the question being taken thereon, it was decided in the affirmative; whereupon the President appointed Messrs. Gazby, Houston, Potter, Collinsworth and Everett, said committee.

On motion of Mr. Everett,

Resolved, That the president appoint a committee of three on privileges and elections.

And the question being taken thereon, it was decided in the affirmative; whereupon the President appointed Messrs. Everett, Stewart and Coleman, said committee.

On motion of Mr. Parmer,

Resolved, That the President appoint a committee of three to wait upon Governor Henry Smith, and Lieutenant Governor Robertson, and Council, and notify them of the formation of the Convention.

And the question being taken thereon, it was decided in the affirmative; whereupon the President appointed Messrs. Parmer, Houston, and Coleman, said committee.

On motion of Mr. Houston,

The Convention adjourned until to-morrow morning at nine o'clock.

WEDNESDAY, March 2, 1836.

The Convention met pursuant to adjournment.

Mr. Gazley, chairman of the committee appointed to draft rules for the order and government of the Convention, made the following report.

Standing Rules and Orders for conducting Business in the Convention of Texas.

Touching the duty of the President.

1st. He shall take the chair every day precisely at the hour to which the house shall have adjourned on the preceding day; shall immediately call the members to order; and, on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2nd. He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the house by any two members; on which appeal, no member shall speak more than once, unless by leave of the house.

3d. He shall rise to put a question, but may state it sitting.

4th. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that (as the question may be) say Ay," and after the affirmative voice is expressed, "As many as

are of the contrary opinion, say No." If the President doubts, or a division be called for, the house shall divide: those in the affirmative of the question shall first rise from their seats, and afterwards, those in the negative. If the speaker still doubts, or a count be required, the President shall name two members, one from each side, to tell the numbers in the affirmative, which being reported, he shall then name two others, one from each side, to tell those in the negative, which being also reported, he shall rise and state the decision to the house.

5th. When any motion or proposition is made, the question, "will the house now consider it?" shall not be put, unless it is demanded by some member, or is deemed necessary by the President.

6th. The President shall examine and correct the journal before it is read. He shall have the general direction of the hall. He shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

7th. All committees shall be appointed by the President, unless otherwise specially directed by the house, in which case they shall be appointed by ballot; and if, upon such ballot, the number required shall not be elected by a majority of the votes given, the house shall proceed to a second ballot, in which a plurality of votes shall prevail; and, in case a greater number than is required to compose or complete a committee, shall have an equal number of votes, the house shall proceed to a further ballot or ballots.

8th. In all other cases of ballot than for committees, a majority of the votes given shall be necessary to an election; and when there shall not be such a majority on the first ballot, the ballot shall be repeated until a majority be obtained.

9th. In all cases of ballot by the house, the President shall vote: in other cases he shall not vote, unless the house be equally divided, or unless his vote, if given to the minority, will make the division equal; and in case of such equal division, the question shall be lost.

10th. In all cases where other than members of this house may be eligible to an office by the election of the house, there shall be a previous nomination.

11th. All acts, addresses, and joint resolutions, shall be signed by the President; and all writs, warrants, and subpœnas, issued by order of the house, shall be under his hand and seal, attested by the clerk.

12th. In case of any disturbance or disorderly conduct in the galleries or lobby, the President (or chairman of the whole house,) shall have power to order the same to be cleared.

Of Decorum and Debate.

13th. When any member is about to speak in debate, or deliver any matter to the house, he shall rise from his seat, and respectfully address himself to "Mr. President," and shall confine himself to the question under debate, and avoid personality.

14th. If any member in speaking, or otherwise, transgress the rules of the house, the President shall, or any member may, call him to order; in which case the member so called to order shall immediately set down, unless permitted to explain, and the house shall, if appealed to, decide on the case, but without debate; if there be no appeal, the decision of the chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed, without leave of the house; and if the case require it, he shall be liable to the censure of the house.

15th. When two or more members happen to rise at once, the president is to name the member who is first to speak.

16th. No member shall speak more than twice on the same question, without leave of the house, nor more than once, until every member choosing to speak shall have spoken.

17th. If a question depending be lost by adjournment of the house, and revived on the succeeding day, no member who shall have spoken twice on the preceding day, shall be permitted again to speak without leave.

18th. Whilst the President is putting any question, or addressing the house, none shall walk out of, or across the house; nor, in such case, or when a member is speaking, shall entertain private discourse, nor, whilst a member is speaking, shall pass between him and the chair.

19th. No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not present when the question was put.

20th. Upon a division and count of the House on any question, no member without the bar shall be counted.

21st. Every member who shall be in the house when the question is put, shall give his vote, unless the House, for special reasons, shall excuse him.

22d. When a motion is made and seconded, it shall be stated by the President; or, being in writing, it shall be handed to the chair, and read aloud by the clerk before debated.

23d. Every motion shall be reduced to writing, if the President or any member desire it.

24th. After a motion is stated by the President, or read by the clerk, it shall be deemed to be in possession of the house, but may be withdrawn at any time before a decision or amendment.

25th. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit, or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill, shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.

26th. When a resolution shall be offered, or a motion made, to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:—The committee of the whole house on the state of Texas; the committee of the whole house; a standing committee; a select committee.

27th. A motion to adjourn shall be always in order; that, and the motion to lie on table, shall be decided without debate.

28th. The previous question shall be in this form: "Shall the main question now be put?" It shall only be admitted when demanded by a majority of the members present; and, until it is decided, shall preclude all amendment, and further debate of the main question.

29th. On a previous question there shall be no debate.

30th. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

31st. Any member may call for the division of a question, which shall be divided if it comprehends questions so distinct that, on being taken away, the rest may stand entire for the decision of the house: A motion to strike out and insert, shall be deemed indivisible. But a motion to strike out being lost, shall preclude neither amendment nor a motion to insert and strike out.

32d. Motions and reports may be committed at the pleasure of the house.

33d. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

34th. When a motion has once been made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, on the same, or the succeeding day, and such motion shall take precedence of all other questions, except a motion to adjourn.

35th. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the house.

36th. The unfinished business in which the house was engaged at the last preceding adjournment shall have the preference in the orders of the day; and no motion on any other business shall be received, without special leave of the house, until the former is disposed of.

37th. Petitions, memorials, and other papers, addressed to the house, shall be presented by the President, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer, and shall not be debated or decided on, on the day of their being first read, unless where the house shall direct otherwise, but shall lie on the table, to be taken up in the order they were read.

38th. Any fifteen members (including the President, if there be one,) shall be authorised to compel the attendance of absent members.

39th. Upon calls of the house, or in taking the yeas and nays on any question, the names of the members shall be called alphabetically.

40th. Any member may excuse himself from serving on any committee at the time of his appointment, if he is then a member of two other committees.

41st. No member shall absent himself from the service of the house unless he have leave, or be sick and unable to attend.

42d. Upon the call of the house, the names of the members shall be called over by the clerk, and the absentees noted; after which the names of the absentees shall again be called over, the doors shall then be shut, and those for whom no excuse, or insufficient excuses are made, may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody, wherever to

be found, by special messengers to be appointed for that purpose.

43d. When a member shall be discharged from custody, and admitted to his seat, the house shall determine whether such discharge shall be with or without paying fees; and in like manner, whether a delinquent member, taken into custody by a special messenger, shall, or shall not, be liable to defray the expense of such special messenger.

44th. A sergeant-at-arms shall be appointed, to hold his office during the pleasure of the house, whose duty it shall be to attend the house during its sitting; to execute the commands of the house, from time to time; together with all such process, issued by authority thereof, as shall be directed to him by the President.

45th. The fees of the sergeant-at-arms shall be for every arrest the sum of two dollars; for each days' custody, and releasement, one dollar; and for travelling expenses for himself, or a special messenger, going and returning, one tenth of a dollar per mile.

46th. It shall be the duty of the committee of elections to examine and report upon the certificates of election or other credentials of the members returned to serve in this house, and take into their consideration all such petitions and other matters touching elections and returns, as shall or may be presented or come into question, and be referred to them by the house.

47th. The several standing committees of the house shall have leave to report by bill or otherwise.

48th. No committee shall sit during the sitting of the house, without special leave.

49th. The clerk of the house shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities, and shall be deemed to continue in office until another be appointed.

50th. Whenever confidential communications are received by the President of the Convention the house shall be cleared of all persons except the members, clerks, sergeant-at-arms, and door-keeper, and so continue during the reading of such communications, and, unless otherwise directed by the house, during all debates and proceedings to be had thereon.—And when the President, or any other member, shall inform the house that he has communications to make which he conceives ought to be kept secret, the house shall, in like manner, be cleared till the communication be made; the house shall then

determine whether the matter communicated requires secrecy or not, and take order accordingly.

51st. The sergeant-at-arms and the door-keeper shall be sworn to keep the secrets of the house.

52d. All questions relating to the priority of business to be acted on, shall be decided on without debate.

Of Bills.

53d. Every bill shall be introduced by motion for leave, or by an order of the house, on the report of the committee; and, in either case, a committee to prepare the same shall be appointed. In cases of a general nature, one day's notice at least shall be given of the motion to bring in a bill, and every such motion may be committed.

54th. Every bill shall receive three several readings in the house previous to its passage; and all bills shall be despatched in order as they were introduced, unless when the house shall direct otherwise; but no bill shall be twice read on the same day, without special order of the house.

55th. Upon the second reading of a bill, the President shall state it as ready for commitment or engrossment; and, if committed, then a question shall be, whether to a select or standing committee, or to a committee of the whole house; if to a committee of the whole house, the house shall determine on what day. But, if the bill be ordered to be engrossed, the house shall appoint the day when it shall be read the third time.

56th. The first reading of a bill shall be for information; and if opposition be made to it, the question shall be, "shall this bill be rejected?" if no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

57th. Not more than three bills, originating in the house shall be committed to the same committee of the whole, and such bill shall be analagous in their nature, which analogy shall be determined by the President.

58th. After commitment and report thereof to the house, or at any time before its passage, a bill may be recommitted.

59th. All bills ordered to be engrossed shall be executed in a fair round hand.

60th. No amendment by way of rider shall be received to any bill on its third reading.

61st. When a bill shall pass, it shall be certified by the clerk, noting the day of its passage at the foot thereof.

Of Committees of the Whole House.

61st. It shall be a standing order of the day throughout the session, for the house to resolve itself into a committee of the whole house on the state of Texas.

63d. In forming a committee of the whole house, the President shall leave his chair, and a chairman to preside in committee, shall be appointed by the President.

64th. Upon bills committed to a committee of the whole house, the bill shall be first read throughout by the clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the house. After report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

65th. All amendments made to an original motion in committee, shall be incorporated with the motion and so reported.

66th. All amendments made to a report committed to a committee of the whole house, shall be noted and reported as in cases of bills.

67th. All questions, whether in a committee or in the house, shall be propounded in the order in which they were moved, except that in filling up blanks, the largest sum and the longest time shall be first put.

68th. No motion or proposition for a tax or charge upon the people shall be discussed the day in which it is first made or offered, and every such proposition shall receive its first discussion in a committee of the whole house.

69th. No sum or quantum of tax or duty voted by a committee of the whole house, shall be increased in the house until the motion or proposition for such increase shall be first discussed and voted in a committee of the whole house, and so in respect to the time of its continuance.

70th. All proceedings, touching appropriations of money, shall first be discussed in a committee of the whole house.

71st. The rules of proceedings in the house shall be observed in a committee of the whole house, so far as they may

be applicable, except the rule limiting the time of speaking; but no member shall speak twice to any question, until every member choosing to speak shall have spoken.

72d. No standing rule or order of the house shall be rescinded or changed, without one day's notice being given of the motion therefor. Nor shall any rule be suspended except by a vote of at least two thirds of the members present. Nor shall the order of business, as established by the rules of the house, be postponed or changed, except by a vote of at least two thirds of the members present.

73d. It shall be in order for the committee on enrolled bills to report at any time.

74th. No person shall be permitted to perform divine service in the chamber occupied by the Convention, unless with the consent of the President.

On motion of Mr. Gazley,

The report was received and unanimously agreed to.

On motion of Mr. Collinsworth,

Resolved, That Mr. Willis A. Faris be allowed to take a seat at the secretary's table, to note and report the proceedings of the Convention; and

The question being taken thereon, it was decided in the affirmative.

On motion of Mr. Potter,

Resolved, That a committee be appointed consisting of one member from each municipality represented in the Convention, for the purpose of drafting a Constitution for Texas, and that the same be reported as soon as practicable to this Convention.

And the question being taken thereon, it was decided in the affirmative; whereupon the President appointed Messrs. Parmer, Potter, Stewart, Waller, Grimes, Coleman, Fisher, Bunton, Gaines, Zavala, Everett, Hardeman, Stepp, Crawford, West, Power, Navarro, McKinney, Menifee, Mottley, and Menard, said committee.

The committee to whom was assigned the duty of drafting a Declaration of Independence, through their chairman, Mr. Childress, made the following

REPORT.

When a government has ceased to protect the lives, liberty and property of the people, from whom its legitimate powers are derived, and for the advancement of whose happiness it was instituted; and so far from being a guarantee for the enjoyment of those inestimable and inalienable rights, becomes an instru-

ment in the hands of evil rulers for their oppression. When the Federal Republican Constitution of their country, which they have sworn to support, no longer has a substantial existence, and the whole nature of their government has been forcibly changed, without their consent, from a restricted federative republic, composed of sovereign states, to a consolidated, central, military despotism, in which every interest is disregarded but that of the army and priesthood; both the eternal enemies of civil liberty, the ever ready minions of power, and the usual instruments of tyrants. When, long after the spirit of the constitution is departed, moderation is, at length, so far lost by those in power, that even the semblance of freedom is removed, and the forms themselves of the constitution discontinued; and so far from their petitions and remonstrances being regarded, the agents who bear them are thrown into dungeons; and mercenary armies sent forth to force a new government upon them at the point of the bayonet. When, in consequence of such acts of mal-feasance and abdication, on the part of the government, *anarchy prevails and civil society is dissolved into its original elements.* In such a crisis, the first law of nature, the right of self-preservation, is the inherent and inalienable right of the people to appeal to first principles, and take their political affairs into their own hands in extreme cases, enjoins it as a right towards themselves, and a sacred obligation to their posterity to *abolish such government* and *create another* in its stead, calculated to rescue them from impending dangers, and to secure their future welfare and happiness.

Nations, as well as individuals, are amenable for their acts to the public opinion of mankind. A statement of a part of our grievances is, therefore, submitted to an impartial world, in justification of the hazardous, but unavoidable, step now taken of severing our political connexions with the Mexican people, and assuming an independent attitude among the nations of the earth.

The Mexican government, by its colonization laws, invited and induced the Anglo-American population of Texas to colonize its wilderness under the pledged faith of a written constitution, that they should continue to enjoy that constitutional liberty and republican government, to which they had been habituated in the land of their birth, the United States of America. In this expectation they have been cruelly disappointed, inasmuch as the Mexican nation has acquiesced in the late changes made in the government by *general Antonio Lopez*

de Santa Anna, who, having overturned the constitution of his country, now offers us the cruel alternative, either to abandon our homes, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.

It hath sacrificed our welfare to the state of Coahuila, by which our interests have been constitutionally depressed through a jealous and partial course of legislation, carried on at a far distant seat of government, by a hostile majority, in an unknown tongue; and this too, notwithstanding we have petitioned, in the humblest terms, for the establishment of a separate state government, and have, in accordance with the provisions of the national constitution, presented to the general congress a republican constitution, which was, without just cause, contemptuously rejected.

It incarcerated in a dungeon, for a long time, one of our citizens, for no other cause but a zealous endeavour to procure the acceptance of our constitution, and the establishment of a state government.

It has failed and refused to secure, on a firm basis, the right of *trial by jury*, that palladium of civil liberty, and only safe guarantee for the life, liberty, and property of the citizen.

It has failed to establish any *public system of education*, although possessed of almost boundless resources, (the public domain) and, although it is an axiom in political science, that unless a people are educated and enlightened, it is idle to expect the continuance of civil liberty, or the capacity for self government.

It has suffered the military commandants, stationed among us, to exercise arbitrary acts of oppression and tyranny; thus trampling upon the most sacred rights of the citizen, and rendering the military superior to the civil power.

It has dissolved, by force of arms, the state congress of Coahuila and Texas, and obliged our representatives to fly for their lives from the seat of government, thus depriving us of the fundamental political right of representation.

It has demanded the surrender of a number of our citizens, and ordered military detailments to seize and carry them into the interior for trial, in contempt of the civil authorities, and in defiance of the laws and the constitution.

It has made piratical attacks upon our commerce, by commissioning foreign desperadoes, and authorising them to seize

our vessels, and convey the property of our citizens to far distant ports for confiscation.

It denies us the right of worshipping the ALMIGHTY, *according to the dictates of our conscience*, by the support of a *national* religion, calculated to promote the temporal interest of its human functionaries, rather than the glory of the true and living God.

It has demanded us to *deliver up our arms*, which are essential to our defence, the rightful property of freemen, and formidable only to tyrannical government.

It has invaded our country, both by sea and by land, with intent to lay waste our territory, and drive us from our homes; and has now a large mercenary army advancing to carry on against us a war of extermination.

It has, through its emmissaries, incited the merciless savage, with the tomahawk and scalping knife, to massacre the inhabitants of our defenceless frontiers.

It hath been, during the whole time of our connection with it, the contemptible sport and victim of successive military revolutions; and hath continually exhibited every characteristic of a weak, corrupt, and tyrannical government.

These, and other grievances, were patiently borne by the people of Texas, until they reached that point at which forbearance ceases to be a virtue. We then took up arms in defence of the national constitution. We appealed to our Mexican brethren for assistance. Our appeal has been made in vain. Though months have elapsed, no sympathetic response has yet been heard from the interior. We are, therefore, forced to the melancholy conclusion, that the Mexican people have acquiesced in the destruction of their liberty, and the substitution thereof of a military government; that they are unfit to be free, and incapable of self-government. The necessity of self-preservation, therefore, now decrees our eternal political separation.

We, therefore, the delegates, with plenary powers, of the people of Texas, in solemn convention assembled, appealing to a candid world for the necessities of our condition, do hereby resolve and declare that our political connexion with the Mexican nation has forever ended; and that the people of Texas do now constitute a *free, sovereign, and independent Republic*, and are fully invested with all the rights and attributes which properly belong to independent nations; and conscious of the rectitude of our intentions, we fearlessly and confidently commit

the issue to the decision of the supreme arbiter of the destinies of nations.

On motion of Mr. Houston,

The report of the committee was received.

On motion of Mr. Collinsworth,

The Convention resolved itself into a committee of the whole upon the report of the committee on the declaration of independence, Mr. Collinsworth in the chair.

And after some time spent therein,

On motion of Mr. Houston,

The committee rose, and Mr. Collinsworth reported that the committee of the whole had had under consideration the report of the committee on the declaration of independence, and had instructed him to report the same with the following caption:

The unanimous Declaration of Independence, made by the Delegates of the People of Texas, in General Convention at the town of Washington, on the second day of March, 1836.

On motion of Mr. Houston,

Resolved, That the declaration of independence, reported by the committee of the whole house, be engrossed and signed by the delegates of the Convention.

And the question being taken thereon, it was unanimously adopted.

On motion of Mr. Goodrich,

Resolved, That five copies of the declaration of independence be prepared, and one to be sent forthwith to Bexar, one to Goliad, one to Nacogdoches, one to Brazoria, and one to San Felipe, and that the printer at San Felipe be requested to print, in hand bill form, for distribution, one thousand copies, and that a committee of three be appointed to carry the above resolution into effect.

And the question being taken thereon, it was decided in the affirmative; whereupon the President appointed Messrs. Goodrich, Parmer, and Byrom said committee.

Mr. Thos. Barnett, from the municipality of Austin, appeared, produced his credentials and took his seat.

On motion of Mr. Goodrich,

The Convention adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Asa Brigham, from the municipality of Brazoria, appeared, produced his credentials and took his seat.

Mr. A. H. Latimon, from the municipality of Pecan Point and vicinity, appeared, produced his credentials and took his seat.

Messrs. Thos. J. Rusk, Charles S. Taylor, and John S. Roberts appeared, produced their credentials and took their seats as delegates elect from the municipality of Nacogdoches.

On motion of Mr. Houston,

The Convention proceeded to the election of an assistant secretary in the place of Mr. E. M. Pease, who declined to act.

Mr. Houston nominated Mr. F. W. Jackson, and there being no opposition, the President declared Mr. Jackson duly elected assistant secretary of the Convention.

Mr. Menard, from the municipality of Liberty, appeared, produced his credentials, and took his seat.

On motion of Mr. Crawford,

Resolved, That a committee of three be appointed by the President to superintend the procurement of couriers, to send expresses to the army with such suitable directions as may be thought necessary by the Convention.

And the question being taken thereon, it was decided in the affirmative; whereupon the President appointed Messrs. Crawford, Lacy and Caldwell, said committee.

On motion of Mr. Potter,

The Convention adjourned until to-morrow morning at nine o'clock.

THURSDAY, March 3, 1836.

The Convention met pursuant to adjournment.

Mr. A. B. Hardin, from the municipality of Liberty, appeared, produced his credentials, and took his seat as a member of the Convention.

On motion of Mr. Everett,

Resolved, That the Convention proceed to ballot for a committee to act as an executive committee, till such time as a more perfect form of provisional government may be established; and, after some discussion,

On motion of Mr. Everett,

The same was laid on the table.

On motion of Mr. Everett,

Resolved, That a committee of three be appointed by the President of the house, to call upon the late Governor Smith, the late Lieutenant Governor Robertson, and the late acting Council, that they be requested to deliver up to them all documents or papers in anywise connected with the late provisional government, and to inform them that their functions as provisonal officers ceased on the first day of March.

On motion of Mr. Everett, the same was laid on the table.

On motion of Mr. Everett,

Resolved, That a committee of three be appointed to form an oath to be administered to the executive committee and every officer in the service of the Convention, or who may be appointed by this Convention.

On motion of Mr. Everett,

The same was laid on the table.

On motion of Mr. Everett,

Resolved, That the Convention go into an election for a Major General to have the command in chief of all the forces (regulars and volunteers) now in the field, or to be raised, and he to be under the direction of this Convention, and that he be forthwith ordered to the field; and

On motion of Mr. Everett,

The same was laid on the table.

Mr. Crawford, chairman of the committee appointed to procure suitable couriers for the purpose of forwarding expresses, with such other information as this Convention may deem proper, beg leave to report the following, to wit:

Believing it of vital importance that this Convention know correctly the true situation of our enemy on the frontier, and also the condition of our army, they would recommend the Convention to accept of the services of Major Caldwell, who purposes to start this day for the frontier.

On motion of Mr. Crawford,

The report was received and agreed to.

On motion of Mr. Hardeman,

Messrs. Houston, Hamilton, Collinsworth and Thomas, were added to the committee appointed to draft a constitution.

Mr. Coleman asked and obtained leave to be discharged from further duty to the committee on privileges and elections, whereupon the President appointed Mr. Legrand in his place.

On motion of Mr. Everett,

The Convention adjourned till two o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Bunton,

Resolved, That a committee of five be appointed to inquire into the actual condition of our army, the number of officers, grades, where stationed, and what force they command, and the number of privates now in the field, what their condition as to clothing, the quantity of provisions and munitions of war now in the country, and where at, and make report of the same.

And the question being taken thereon, it was decided in the affirmative; whereupon the President appointed Messrs. Bunton, Barnett of Washington, Legrand, Fisher of Gonzales, and Fisher of Matagorda, said committee.

On motion of Mr. Rusk,

Resolved, That the President appoint a committee consisting of one member from each municipality to report as early as practicable a constitutive act for the purpose of organizing the physical force of the country for its defence against its enemies.

And the question being taken thereon, it was decided in the affirmative; whereupon the President appointed Messrs. Rusk, Barnett, of Austin, Collinsworth, Badggett, Lacy, Caldwell, Mottley, Zavala, Smyth, Stepp, Scates, Hardin, Bunton, Robertson, Hardeman, Latimore, Thomas, Blount, Clark, Pinington, Turner and Swisher, said committee.

On motion of Mr. Conrad,

The following preamble and resolution was introduced: Whereas land titles have been recently granted by commissioners, to individuals under the colonization laws, whilst many brave and worthy men, with equal claims, have been prevented by serving in the field, of similar privileges, notwithstanding the decree of a former Convention, ordering all such proceedings to be suspended: Therefore,

Resolved, That all land commissioners or agents, whatever, interested with the disposition of public lands, close their offices, suspend the granting of titles and all matters whatsoever connected with the disposal of public lands, forthwith; and that if any titles should be granted in defiance of this authority, such titles shall be null and void, and the individual so offending, shall be subject to a fine of ten thousand dollars, and imprisonment for twelve months.

On motion of Mr. Thomas,

The preamble and resolution were laid on the table till to-morrow.

On motion of Mr. Collinsworth,

Resolved, That the papers and documents transmitted to the Convention, be referred to a committee of five delegates, for examination and report.

And the question being taken thereon, it was decided in the affirmative; whereupon the President appointed Messrs. Collinsworth, Gazley, Hamilton, Childress and Goodrich said committee.

On motion of Mr. Potter,

Resolved, That colonel Jesse Benton and lieutenant Griffin Bane be, and they are hereby, authorised to raise a regiment of rangers, the officers of which shall be commissioned by the authority of this Convention; the said regiment of rangers to receive the same pay and rations that are provided for the regular army; the said regiment to enrol themselves during the war, and to be subject, at all times, to the orders of the Commander-in-chief of the public forces.

And the question being taken thereon, it was decided in the affirmative.

On motion of Mr. Goodrich.

Resolved, That no legislative subject shall be acted on by this Convention after this day, the third of March, except such as relates directly to the defence of the country.

On motion of Mr. Everett,

The resolution was laid on the table till to-morrow.

On motion of Mr. Gazley,

Resolved, That a committee of five be appointed to devise and report to this Convention a suitable Flag for the Republic of Texas.

And the question being taken thereon, it was decided in the affirmative; whereupon the President appointed Messrs. Gazley, Scates, Zavala, Robertson and Barnett of Austin.

On motion of Mr. Houston,

The President was added to said committee

On motion of Mr. Goodrich,

Resolved, That the thanks of this Convention be presented to Messrs. Baker & Bordens, editors of the Telegraph, for the files of their paper presented them.

And the question being taken thereon, it was unanimously decided in the affirmative.

On motion of Mr. Menifee,

The Convention adjourned till to-morrow morning at nine o'clock.

FRIDAY, MARCH 4, 1836.

The Convention met pursuant to adjournment. The names of the members being called, and the journals of the two preceding days having been read by the secretary,

Mr. Everett, chairman of the committee on privileges and elections, made the following report:

Your committee on privileges and elections, ask leave respectfully to report, that after a patient examination of various documents laid before your committee, in regard to an election held in the municipality of Matagorda, (said election being contested by Messrs. Royall and Fisher,) have come to the conclusion that Mr. S. Rhodes Fisher is legally elected and entitled to a seat in this house.

In drawing this conclusion, your committee would respectfully state to the house, that among the returns of elections, there is one from Goliad, held among the volunteers on the fifth of January; at that election Mr. Royall received sixteen votes. The person who discharged that post, appeared before your committee, and testified that he discharged said volunteers on the evening of the eleventh and morning of the twelfth January; and it appears further in evidence, that a part at least of said volunteers voted again, and your committee are unanimously of opinion, that said votes were not legal votes, and that they ought not to be counted, and in making up this report, they have therefore left them entirely *out*.

It appears further in evidence that three men on their way from the army to the United States, did vote at a house where they stopped for the night, and is as certified, their votes were taken between the hours of eight and nine o'clock at night; your committee are unanimously of opinion that the above three votes should not be counted, as they were clearly illegal, and have accordingly thrown them out, as said persons who so voted did immediately thereafter leave the country, and also that the votes were taken after the time of the election.

Your committee are, therefore, of opinion that Mr. S. Rhodes Fisher, named, ought to be enrolled among the members of this house.

S. H. EVERETT, Chairman.
E. O. LEGRAND, } Committee.
C. B. STEWART, }

On motion of Mr. Rusk.

The report of the committee was received.

On motion of Mr. Childress.

Resolved, That inasmuch as there are two contested elections pending before this Convention, viz: that election between Messrs. McMullin and Bowers, and that between Messrs. Royall and Fisher; and inasmuch as there is, and will be, contradictory statements and evidence before this body, and probably great uncertainty will exist as to who ought to have the seats referred to, and inasmuch as there is not time before the probable adjournment of this body, to refer the questions back to the people for a new election, and it is desirable that there should be a full representation of all the people, and that the Convention should have the assistance of the representations from those municipalities, and that all dissentions and irritating questions should now be entirely avoided,

Therefore, resolved, through the plenary powers vested in this Convention, that each of the above named gentlemen be allowed to take their seats as members of this body, that those who are now here be allowed to do so immediately, and the others whenever they may appear and make their application.

Mr. Childress argued in favor of the resolution, Messrs. Rusk and Potter in opposition and the question being taken thereon it was decided in the negative.

Mr. Legrand, asked and obtained leave that Mr. Royall should address the convention in behalf of himself, which he did at same length in defence of his right to a seat in the convention.

Messrs. Rusk and Everett followed in support of the report made by the committee on privileges and elections, and the question being taken thereon, was decided in the affirmative.

Mr. Everett, chairman of the committee on privileges and elections, made the following report:

The committee of privileges and elections respectfully ask leave to report that the honorable John Turner came before said committee and attested that his constituents instructed him to protest against Mr. McMullen being received as a member of this Convention; that the grounds on which the protest was founded, was that many volunteers, who desired to vote on the day of election, were not allowed to vote by a majority of the judges of the election, that he heard at least four say that they intended to vote for Mr. Bowers, and he is clearly of opinion that many others would have voted for Mr. Bowers. Your committee differ in opinion, and respectfully desire the sense of the house to be taken on it.

Your committee is fully of opinion that Mr. Bowers should be invited to take a seat in this house.

S. H. EVERETT, Chairman.
C. B. STEWART.

Mr. McMullen asked and obtained leave to address the Convention in behalf of his right to a seat in the Convention.

Mr. Turner followed in debate, and the question being taken on the report of the committee, it was decided in the affirmative; and

On motion of Mr. Everett,

The sergeant-at-arms was instructed to assign a seat to Mr. Bowers.

Mr. Parmer, from the committee to whom was assigned the duty to inform the Governor, Henry Smith, and the Lieutenant Governor, Robertson, and Council, and notify them of the formation of the Convention, beg leave to report that the committee have performed the duties assigned them; and,

On motion of Mr. Parmer,

The report was received and agreed to.

On motion of Mr. Collinsworth,

The following preamble and resolution were introduced:

Whereas we are now in a state of revolution, and threatened by a large invading army, from the central government of Mexico; and whereas our present situation, and the emergency of the present crisis, renders it indispensibly necessary that we should have an army in the field; and, whereas, it is also necessary that there should be one supreme head or commander-in-chief, and due degrees of subordination defined, established and strictly observed,

Therefore, be it resolved, that General Samuel Houston be appointed commander-in-chief of all the land forces of the Texian army, both regulars, volunteers and militia, while in actual service, and endowed with all the rights, privileges and powers due to a commander-in-chief in the United States of America, and that he forthwith proceed to take command, establish head quarters and organise the army accordingly.

On motion of Mr. Collinsworth, that the rule requiring the resolution to lay one day on the table be dispensed with, and that the resolution be forthwith put upon its passage.

On motion of Mr. Gazley,

The Convention adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Collinsworth,

The resolution laid on the table until two o'clock, being called for, and the house sustaining the call, and the resolution being read by the secretary, Mr. Gazley offered the following amendment:

And that Samuel Houston retain such command until the election of a chief magistrate of this government, and to continue in such office unless, superseded by order of the government, subject, however, to the general orders of the government *de facto*, until the general organization agreeable to the constitution, and always amenable to the laws and civil authorities of the country.

The amendment was accepted by the introducer of the resolution.

Mr. Everett moved the further amendment by adding the words "major general to be," after the word *appointed* and before the word *commander;* the amendment being also accepted by the introducer of the resolution.

The resolution was then put upon its passage, on which a debate arose. Messrs. Collinsworth, Gazley and Thomas, in favor of the resolution, and Mr. Potter in opposition; and the question being taken thereon, it passed in the affirmative.

On motion of Mr. Everett, that the Convention adjourn.

Mr. Parmer moved that they adjourn until nine o'clock on Monday next, and urged the propriety of the time mentioned, as there ware two very important committees, composed of a majority of the house, and to give them time to make their report; he hoped the house would adjourn until that time.

And the question being taken, it was agreed to, and so the house adjourned until Monday, nine o'clock.

SUNDAY, MARCH 6, 1836.

The President called the Convention together, and informed them that he had received by express a letter from colonel W. Barrett Travis, commandant of the Alamo, at Bejar de San Antonio, which required the immediate action of the Convention. The letter being read by the secretary, was as follows, to wit:

COMMANDANCY OF THE ALAMO,
Bejar, March 3d, 1836.

SIR: In the present confusion of the political authorities of the country, and in the absence of the commander-in-chief, I beg leave to communicate to you the situation of this garrison. You have doubtless already seen my official report of the action of the twenty-fifth ult., made on that day to Gen. Sam. Houston, together with the various communications heretofore sent by express, I shall therefore confine myself to what has transpired since that date.

From the twenty-fifth to the present date, the enemy have kept up a bombardment from two howitzers, (one a five and a half inch, and the other an eight inch,) and a heavy cannonade from two long nine pounders, mounted on a battery on the opposite side of the river, at the distance of four hundred yards from our walls. During this period the enemy have been busily employed in encircling us with entrenched encampments on all sides, at the following distance, to wit: In Bejar, four hundred yards west; in Lavilleta, three hundred yards south; at the powder house, one thousand yards east by south; on the ditch, eight hundred yards north east, and at the old mill, eight hundred yards north. Notwithstanding all this, a company of thirty-two men from Gonzales, made their way into us on the morning of the first inst. at three o'clock, and colonel J. B. Bonham (a courier from Gonzales) got in this morning at eleven o'clock, without molestation. I have fortified this place, so that the walls are generally proof against cannon balls; and I still continue to intrench on the inside, and strengthen the walls by throwing up the dirt. At least two hundred shells have fallen inside of our works without having injured a single man; indeed we have been so fortunate as not to lose a man from any cause, and we have killed many of the enemy. The spirits of my men are still high, although they have had much to depress them. We have contended for ten days against an enemy whose numbers are variously estimated at from fifteen hundred to six thousand men, with general Ramier Siesma and colonel Batris, the aid de camp of Santa Anna, at their head. A report was circulated that Santa Anna himself was with the enemy, but I think it was false. A reinforcement of about one thousand men is now entering Bejar, from the west, and I think it more than probable that Santa Anna is now in town, from the rejoicing we hear.

Col. Fannin is said to be on the march to this place with reinforcements, but I fear it is not true, as I have repeatedly sent to him for aid without receiving any. Col. Bonham, my special messenger, arrived at La Bahia fourteen days ago, with a request for aid; and on the arrival of the enemy in Bejar, ten days ago, I sent an express to colonel F., which arrived at Goliad on the next day, urging him to send us reinforcements; none have yet arrived. I look to the colonies alone for aid; unless it arrives soon, I shall have to fight the enemy on his own terms. I will, however, do the best I can under the circumstances; and I feel confident that the determined valor and desperate courage, heretofore exhibited by my men, will not fail them in the last struggle; and although they may be sacrificed to the vengeance of a Gothic enemy, the victory will cost the enemy so dear, that it will be worse for him than a defeat. I hope your honorable body will hasten on reinforcements, ammunition, and provisions to our aid as soon as possible. We have provisions for twenty days for the men we have. Our supply of ammunition is limited. At least five hundred pounds of cannon powder, and two hundred rounds of six, nine, twelve and eighteen pound balls, ten kegs of rifle powder and a supply of lead, should be sent to this place without delay, under a sufficient guard.

If these things are promptly sent, and large reinforcements are hastened to this frontier, this neighborhood will be the great and decisive ground. The power of Santa Anna is to be met here, or in the colonies; we had better meet them here than to suffer a war of devastation to rage in our settlements. A blood red banner waves from the church of Bejar, and in the camp above us, in token that the war is one of vengeace against rebels; they have declared us as such, demanded that we should surrender at discretion, or that this garrison should be put to the sword. Their threats have had no influence on me or my men, but to make all fight with desperation, and that high souled courage which characterises the patriot, who is willing to die in defence of his country's liberty and his own honor.

The citizens of this municipality are all our enemies, except those who have joined us heretofore. We have but three Mexicans now in the fort; those who have not joined us, in this extremity, should be declared public enemies, and their property should aid in paying the expenses of the war.

The bearer of this will give your honorable body a state-

ment more in detail, should he escape through the enemy's lines.

God and Texas—Victory or Death.

Your obedient servant,

W. BARRETT TRAVIS,

Lieut. Col. Comm.

P. S. The enemy's troops are still arriving, and the reinforcement will probably amount to two or three thousand.

T.

On motion of Mr. Parmer,

Resolved, That one thousand copies of colonel W. Barrett Travis's letter be printed in hand bill form by the editors, Messrs. Baker & Bordens, of San Felipe.

And the question being taken thereon, it was decided in the affirmative.

Mr. Samuel A. Maverick, from the municipality of Bejar, appeared, produced his credentials and took his seat as a member of the Convention.

On motion of Mr. Childress,

Resolved, That captain J. Cook be invited to take a seat within the bar of the Convention, in testimony of the regard for the services he has rendered to Texas in her struggle for freedom.

And the question being taken thereon, it was unanimously decided in the affirmative.

On motion of Mr. Houston,

Resolved, That captain Burk and lieutenant Thornton be invited to take a seat within the bar of the Convention as a tribute due to their gallantry in defending the cause of Texas.

And the question being taken thereon, it was unanimously decided in affirmative.

Mr. S. Rhodes Fisher, from the municipality of Matagorda, appeared and, agreeable to the report of the committee on privileges and elections, took his seat as a delegate of the Convention.

Mr. Houston asked and obtained leave to address the Convention, explanatory of his former course as commander-in-chief; the delicacy of his position under the decrees and orders of the provisional government; tendered his acknowledgments to the Convention for his re-appointment as commander-in-chief, and took his leave for the army.

On motion of Mr. Potter,

Resolved, That the safety of the country is threatened in a

manner which makes it the duty of all her citizens to hasten to the field.

Resolved, That the members of this Convention, while they keep steadily in view the organization of the government, will, in the present emergency, adjourn to meet in the camp of our countrymen, there or elsewhere to complete the business of the Convention.

Resolved, That a committee of five members be appointed, clothed with all the powers residing in the Convention, to raise and organise the militia and volunteers, provide supplies of provisions and ammunition for the troops, and to draft an appeal to the people of Texas and to the United States, explaining our situation and the motives of our adjournment.

Mr. Potter advocated the adoption of the resolutions; Messrs. Collinsworth, Childress, and Rusk, in opposition thereto, and the question being taken thereon, it was decided in the negative.

On motion of Mr. Thomas,

Resolved, That a standing military committee, consisting of five members, be appointed by the President.

And the question being taken thereon, it was decided in the affirmative; whereupon the President appointed Messrs. Collinsworth, Rusk, Power, Gaines and Fisher of Gonzales, said committee.

Mr. James Woods, from the municipality of Liberty, appeared, produced his credentials, and took his seat as a delegate of the Convention.

On motion of Mr. Pennington,

Leave was given to all the delegates of the Convention, who were absent at the time of the adoption of the Declaration of Independence, to sign the same.

On motion of Mr. Pennington,

The Convention adjourned till to-morrow morning at nine o'clock.

MONDAY, March 7, 1836.

The Cnovention met pursuant to adjournment.

Mr. Everett, chairman of the committee on privileges and elections, reported that the committee had examined the credentials of election of John W. Moore, of the municipality of Harrisburg, and that he is entitled to a seat in this Convention.

On motion of Mr. Parmer,

The report was received and agreed to, whereupon Mr. Moore took his seat as a delegate of the Convention.

On motion of Mr. Goodrich,

Resolved, That a committee of three members of this body be appointed to inform our commissioners, now in the United States, that we have declared independence, and to urge upon them the necessity of using their utmost exertions to bring about as soon as practicable, the recognition of the independence of Texas, by the Congress of the United States of the north, now in session.

The resolution lies one day on the table under the rule of the Convention.

Mr. Potter presented a communication from the late Governor Henry Smith, which,

On motion of Mr. Conrad,

Was laid on the table.

On motion of Mr. Hardeman,

The letter of H. K. W. Hill, esq., to Mr. George C. Childress, enclosing his bill of exchange on Messrs. N. & J. Dick & Co. of New-Orleans for five thousand, for the use and benefit of Texas, enclosed by Governor Smith's communication, was read by the secretary.

On motion of Mr. Potter,

Resolved, That the thanks of the Convention be tendered to H. K. W. Hill, Esq., of Nashville, for his generous and warm hearted offer of assistance to the people of Texas in their struggle for independence; and that the President of this Convention communicate this resolution to Mr. Hill, in such a manner as he may deem most acceptable to the feelings of that gentleman.

And the question being taken thereon, it was decided unanimously in the affirmative.

Mr. Rusk, chairman of the committee appointed to report as early as practicable a constitutive act, for the purpose of

organizing the physical force of the country for its defence against its enemies, made the following report:

An Ordinance to organise the Militia of the Republic of Texas.

Whereas, the present exigencies of the country are such as imperiously demand the immediate organization of its physical force for its prompt and energetic defence, against a large invading army of merciless enemies, who are waging a war of extermination against all ages, sexes and conditions of our population; and

Whereas it is the bounden duty of every man who asks of the country protection of his person and property, to stand forth in such a crisis in its defence.

SECTION 1. *Be it, therefore, ordained by the delegates of the people of Texas, in Convention assembled, and it is hereby ordained and decreed by the authority of the same,* That all able bodied males (Indians and slaves excepted) inhabitants of Texas, over the age of seventeen, and under the age of fifty, and who are not hereinafter exempted, shall be liable and subject to do militia duty; *Provided, also,* That all those under and above that age, shall have the privilege of enrolling their names and subjecting themselves to duty.

SEC. 2. *Be it further ordained by the authority aforesaid,* That it shall be the duty of this Convention to appoint one man in each municipality, district or county, whose duty it shall be, within ten days after the reception of the notice of his appointment, accompanied by a copy of this ordinance, to take and register, in a book to be kept by him for that purpose, the names of all those in his district or county, liable to do duty under the provisions of this act; true transcript copies of the names so taken, to be made out by him, properly certified, one copy to be sent to the executive, one to the commander-in-chief of the army, and another to be posted up at the most public place in the district or county: *Provided,* That in the district or county of Nacogdoches, there shall be one additional individual appointed, whose duty it shall be to make out separately, the names of all natives therein liable to serve, and that they, when drafted or ordered out, shall be organized in a separate corps.

SEC. 3. *Be it further ordained by the authority aforesaid,* That the executive authority established by the Convention, (and that until such authority be established, the President of this body) shall have power, at all times, to order out the militia, by draft or otherwise, for a term to be specified by him (not to

exceed, at any one time, six months,) in case the exigencies of the country may require it; *Provided*, That not more than two-thirds of the militia shall be required to be in service at any time, and the militia, when so ordered out, shall be under the command and direction of the commander-in-chief of the army.

SEC. 4. *Be it ordained by the authority aforesaid*; That when the service of any portion of the militia shall be required, the Executive, or the President of this body, as the case may be, shall issue his orders and transmit them to the persons appointed in each district or county, setting forth the number of men required from each, and it shall be the duty of such person to make out, on separate slips of paper, the names of all the persons therein liable to do militia duty, which names, when so made out, shall be deposited in the manner hereinafter directed in a hat or box, in the presence of three disinterested persons, who are not, by the provisions of this act, liable to do militia duty, and after the said names shall be well mixed up, and shaken by each of the three persons, they shall cause to be drawn from the hat or box, one at a time, by a child under the age of ten years, the number so required for service. The names to be placed in the hat or box in the following manner, to wit: The names of all persons who have not been in the service shall be placed therein and drawn before the names of those who have served, or are now serving, or shall during this campaign, and before any draft enter the service; and all those who have served for a shorter period than one month, or may in the present campaign serve for a shorter period than one month, shall be first drawn before those who have or may in this campaign serve for one month or upwards. Provided, no person shall be entitled to any of the benefits of these exceptions who shall not before the day of the draft, of which five days notice shall be given, furnish satisfactory proof, either in writing or by the testimony of two respectable witnesses, to the person appointed to enroll the names, of his having performed such service; which names when so drawn shall be entered on a list, and certified by the said citizens, and copies thereof furnished to the executive and the commander-in-chief of the army. It shall then be the duty of the persons so appointed, to muster those so drawn out and registered into service on a day to be specified by him, and at some convenient place in the district or county, when they shall proceed to elect suitable officers to command them, agreeable to the provisions of the law in existence in re-

lation to the organization of the army, which officers shall be commissioned by the executive officer of the government for the time being.

SEC. 5. *Be it ordained by the authority aforesaid,* That every person so drawn or drafted as aforesaid, when required to muster into service shall be and is hereby required to prepare himself with a rifle or musket, one pound of powder, one pound lead, a shot pouch, powder horn and knapsack, unless he will swear he is unable to do so without injury to his family.

SEC. 6. *Be it ordained by the authority aforesaid,* That if any individual, after having been so drawn and notified, shall fail or refuse to muster into service, either by himself or substitute, without a reasonable excuse, to be judged of by three disinterested persons to be chosen by the person appointed to register the names and sworn to decide the same, he shall be forthwith arrested as a deserter and tried by a court martial, and punished agreeable to the rules and articles of war of the United States of America in time of war. And also on conviction thereof before any court of law hereafter appointed, having competent jurisdiction, he shall forfeit one half of his property to the use of the republic, the other half shall be vested fully and completely in his wife and children, or wife or children, if he have any; and he shall never hold any office of honor, trust or profit under the government, be admitted as a witness in court or vote for any office.

SEC. 7. *Be it ordained by the authority aforesaid.* That when an individual shall be so drawn and mustered into service, he shall not again be required to enter the service until the others who have not served shall be drafted in the same manner as before provided.

SEC. 8. *Be it ordained by the authority aforesaid,* That it shall be the duty of every individual moving into a district or county within ten days after his arrival therein, to report himself to the person so appointed in such district or county to enrol the names, and on failure to do so he shall be fined the sum of twenty-five dollars, to be collected by the order of any judicial officer by distress and sale of his property forthwith, which fine shall be paid into the treasury and go to the use of the army. And any person coming into the district or county and remaining there ten days without reporting himself for military duty, shall be liable to serve before all other persons.

SEC. 9. *Be it ordained by the authority aforesaid,* That the person so appointed to register the names, shall have power

to appoint one or more under him, not exceeding five, for the purpose of enabling him, with the greater despatch, to complete the business; provided those appointed under him shall not be thereby exempted from doing military duty.

SEC. 10. *Be it ordained by the authority aforesaid*, That in case the person so appointed fail or refuse to discharge the duties required of him by this act, he shall be fined the sum of two hundred dollars, to be collected by the order of any civil officer by distress and sale of his property forthwith.

SEC. 11. *Be it ordained by the authority aforesaid*, That in case of death, resignation or other vacation of said office, the highest civil officer in the district or county or jurisdiction shall discharge the duties until the appointment shall be filled by the executive officer of the government, who shall have power to fill the same.

SEC. 12. *Be it ordained by the authority aforesaid*, That when any requisition is made on any district, county or jurisdiction, for a certain number of men, the citizens of the same shall be at full liberty to volunteer their services for the time required, and that when they so volunteer and serve, they shall be exempt from further service until their time arrives, in the same manner as if they had been drafted.

SEC. 13. *Be it ordained by the authority aforesaid*, That whenever a regiment, battalion or company present themselves to the authorities of the republic, they shall be received into the service for any term, not less than three months or longer than the continuance of the war, on the same conditions as others; and shall have the officers, their numbers entitle them to according to the laws, commissioned by the executive of the republic, whenever said officers shall produce satisfactory evidence of the election by the volunteers entering the service.

SEC. 14. *Be it ordained by the authority aforesaid*, That all acting judges, postmasters and executive officers of the government, together with those appointed to register the names, shall be exempted from militia duty.

SEC. 15. *Be it ordained by the authority aforesaid*, That the pay, allowance and rations of the militia, shall be the same as heretofore established by the existing laws and ordinances on that subject.

SEC. 16. *Be it ordained by the authority aforesaid*, That all officers commissioned by the late provisional government, who are not in actual service, and who are not exempt by the provisions of this act, shall be liable and subject to draft the same

as others; provided they do not within ten days after the publication of this act repair to the field.

SEC. 17. *Be it ordained by the authority aforesaid*, That all cases not herein provided for, shall be governed by the militia laws of the United States of America, so far as they are applicable to our circumstances and situation.

SEC. 18. *Be it ordained by the authority aforesaid*, That this ordinance remain in full force for and during the term of twelve months from the day of its passage, and no longer, unless sooner repealed by a congress of the republic.

On motion of Mr. Parmer, the report was received.

Mr. Goodrich moved that the rule be dispensed with, and that the convention resolve itself into a committee of the whole upon the report forthwith.

And the question being taken thereon, it was decided in the negative. The resolution lies one day on the table, under the rule of the convention.

On motion of Mr. Gazly,

Resolved, That military depots be established at the La Bahia crossing of the Colorado, and at the town of Mina, for the purpose of supplying the army with provisions and munitions of war; and that suitable persons be appointed by the executive committee commissioners at those places, to procure corn, cattle, sugar, coffee and tobacco, with such arms and munitions of war as may be necessary for the troops in service.

Mr. Goodrich moved to amend, by inserting between the words "Mina," and for "and the La Bahia crossing of the Brazos;" Which was accepted by the introducer of the resolution.

And the question being taken on the adoption of the resolution as amended, it was decided in the affirmative.

Mr. Rusk moved that the resolution be referred to the military committee.

And the question being taken thereon, it was decided in the affirmative.

Mr. Everett called for a resolution submitted by him, and laid on the table on Friday last, proposing that the convention ballot for a committee, to act as an executive committee.

The convention sustained the call, and

On motion of Mr. Goodrich, the resolution was indefinitely postponed.

On motion of Mr. Collinsworth,

Messrs. Thomas, Smith and Menard, were added to the committee on military affairs.

Messrs. S. Rhodes Fisher, John W. Moore, John W. Bower and Samuel A. Maverick, being absent at the adoption of the declaration of independence, asked and obtained leave to sign the same.

On motion of Mr. Childress, the convention adjourned till to-morrow morning, nine o'clock.

TUESDAY, March 8, 1836.

The Convention met pursuant to adjournment.

The President laid before the Convention a communication from the late Lieutenant Governor Robertson, which being read by the secretary, was as follows:

Executive Department of Texas,
Washington, March 4, 1836.

To the honorable, the President
and members of the Convention:

Gentlemen—Having been called upon by the constituted authorities of the country, to exercise the power, and discharge the duties of governor, according to the second article of the organic law, which I have complied with, much against my own inclination, but in obedience to what I conceived to be my paramount duty as lieutenant governor, the governor being suspended by the competent authority. The right and authority under which I exercised this power, and performed these duties, having been called in question, and made the foundation of, and the excuse for disobedience of orders in some instances, and doubt and indecision in many, very many, highly respectable citizens, to the manifest injury of our beloved country; and not wishing to claim powers not clearly delegated, and unequivocally given by the laws of the land, and sustained *by the people of free and independent Texas*, I have presented the subject before you, for your consideration and decision, and will bow with pleasure to whatever conclusion you may arrive. I know the tenacity with which the human heart usually clings to power, and the exercise of a little brief authority; but for myself I do unhesitatingly say, that it was with great reluctance that I entered upon the discharge of the gubernatorial duties, and

I assure you, that I will retire from this situation to the tented field, where I hope to render some service, however humble, as a private soldier, and trust I will meet every freeman who can be spared from other public service. In this, her hour of peril and danger, Texas shall not find me wanting in devotion to her interest and honor, and this pledge I am now ready to redeem with my life.

Although I entertain no doubt of my right and duty to act as the executive of the country, and, in the words of a distinguished statesman of the land of *Washington*, "I challenge the test of talents and of time," in regard to the purity of my intentions in the administration of the government. The course I have pursued is *marked*, *clear* and *onward*. In the last Convention, to the best of my abilities, *independence, and nothing but independence, had my unqualified support;* and every day's experience since that time, satisfies me that a declaration of that kind ought to have been made, and any other declaration now, would utterly destroy and blast with a fatal mildew, the fond hopes of the friends of the country, here and elsewhere. Yet for Texas I am, and ever have been, ready to make any sacrifice in my power to offer, but that of honor and my oath of office.

Permit me, therefore, to request your honorable body, so to organise, constitute and remodel the provisional government, as to restore harmony, promote union, provide for the common defence and general welfare; and that the public interest may not be prejudiced or injured by the present unhappy state of dissention and disunion.

Allow me to urge upon you the necessity of doing so with as little delay as your other imperative and urgent duties will permit, and I would respectfully say, that I hold my official papers at the disposition of the Convention.

We are now invaded by a ruthless enemy, who gives no quarters, and conscious that a moment ought not to be lost in meeting and repelling him, I will not attempt an argument of the question of the propriety of such an organization; it must be too plain a proposition to need it, and there is neither time nor place for cold debate; but the times call for prompt and energetic action.

The kindness of friends, the confidence reposed, and the duty I owe my country, will not permit me to say less, and the urgent and imploring call of our invaded homes will not allow me longer to trespass upon your valuable time, that can otherwise be profitably appropriated.

That harmony may prevail in your councils, throughout all your arduous labors, as it has in making an unqualified declaration of independence, and the formation of a constitution thereon for our government may be the happy result, is the sincere hope of your

Fellow-Citizen,

JAMES W. ROBINSON.

The President laid before the Convention a communication from John McMullen, the late President pro. tem. of the late general council, Alexander Thompson and G. A. Pattillo; which being read by the secretary, was as follows:

COUNCIL ROOM,
Washington, March 8th, 1836.

To the honorable, the President
and members of the Convention:

The undersigned members of the General Council, have understood, from some source, that the verbal notice given us a few days since by a committee of your honorable body, that "the Convention were organized," was deemed a sufficient announcement that the powers of the provisional government had ceased. This, from our understanding of the organic law, we did not think to be the case, nor that we could be relieved without some declaration on the part of the Convention; accordingly, we replied verbally to your committee, that we were ready to deliver the archives of the Council into the hands of the Convention, or any authority acting as a government, provisional or otherwise.

The unfortunate difficulties that arose between the different branches of the provisional government, of which it is unnecessary to speak at this time, in some measure crippled its operations and prevented it from acting with that energy so necessary in a crisis like the present. This state of things, we expected, would induce the Convention to organise immediately some temporary authority to meet the present exigencies of the country.

We would not suppose that the Convention superseded the provisional government, without some declaration on their part of such fact; if it is so deemed by your honorable body, or any authority is designated to receive the archives, we are ready

to deliver them, and with pleasure return to our homes and the field.

JOHN McMULLEN,
Prest. pro. tem. of the General Council.
ALEX. THOMSON,
G. A. PATTILLO.

On motion of Mr. Parmer,

The communications were referred to the committee on public documents.

Mr. Potter introduced the following preamble and resolution: Whereas, the securing to the people of Texas, in the fair and undisturbed enjoyment of their lands, is an object of paramount consideration with this convention; and, whereas, certain designing persons in Texas, combined with others who live in distant parts, and are not citizens of Texas, are seeking, under the cover of forgery or fraudulent grants, to cheat the people of Texas out of large and valuable portions of their lands, which, if not put down, would oppress the individual settlers and cripple the resources of the country, so as to put it out of the power of the government to make suitable provisions in lands and otherwise for our volunteers now in the field, or who may hereafter serve the public cause; Therefore,

Resolved, That the committee on the constitution, be instructed to inquire into the propriety of inserting in that instrument a provision to the following effect, viz.: No claim of eleven leagues of land, or more, shall be valid; and all titles issued to any individual, under any pretence whatsoever, for more than one league and a labor of land, (empresarios excepted,) shall be null and void and of no effect. All titles which may have been issued to any individual, under any pretence whatsoever, since the acts of the late consultation, closing the land offices, shall be null and void and of no effect; and in the future adjustment of land titles, not previously located by others, in accordance with the principles of this provision, shall enjoy a preference over all other persons. This convention, or the congress which may succeed it, will make provisions for carrying this article into effect; and no legislative act, or judicial decision, shall ever be made in contradiction to the foregoing clause.

Mr. Penington offered the following amendment:

Resolved, also, that all surveys that have been made since the seventeenth day of October last, are null and void, unless the grantee actually resided on the same at the time the survey was made, east of the Trinity river.

Which was accepted by the introducer of the preamble and resolution.

On motion of Mr. Potter, that the rule requiring the preamble and resolution to lay one day on the table, be dispensed with; and that the preamble and resolution with the amendment be forthwith put upon its passage.

And the question being taken thereon, it was decided in the affirmative, by two thirds of the members present.

Whereupon, the convention resolved itself into a committee of the whole house upon the preamble and resolution, with the amendment.

Mr. Grimes in the chair.

And after some time therein, Mr. Grimes reported that the committee of the whole house had had under consideration a preamble and resolution, proposing to the committee upon the constitution, the propriety of inserting in that instrument a provision, that no claims of eleven leagues of land shall be valid, and that the committee had refused the reference and rejected the preamble and resolution.

On motion of Mr. Grimes, the report was received and agreed to.

On motion of Mr. Childress, the convention adjourned till two o'clock.

TWO O'CLOCK, P. M.

The convention met pursuant to adjournment.

On motion of Mr. Conrad,

Resolved, That the convention proceed to ballot for three commissioners, whose duty it shall be to proceed to the different land offices of Texas, and examine strictly into the state and condition of the same, the quantity of land still unappropriated, its location, &c.; the circumstances attending the disposition of all grants for more than the quantity of land established by the colonization laws, to whom granted and for what consideration, and to collect all other information in relation to the conducting of land matters, which may be considered useful, and report the same to the executive as soon as practicable; also, that it shall be the duty of the said commissioners, to take custody of all titles, books and papers whatsoever, connected with the land offices, and convey them to the seat of government, if considered safe from the ravages of the enemy, or if not, to such other place or places as may be deemed proper. Which lies on the table one day, under the rule of the house.

Mr. Rusk called for the report made by the committee to

draft a constitutive act to organize the physical force of the country, which was laid on the table on Friday last; and the house sustained the call, and the report being read,

On motion of Mr. Bunton, the convention resolved itself into a committe of the whole upon said report, Mr. Thomas in the chair; and after some time spen therein, the committee rose, and Mr. Thomas reported that the committee of the whole house had had under consideration, the report of the committee appointed to draft a constitutive act, to organize the physical force of the country, had instructed him to report progress and ask leave to set again.

On motion of Mr. Thomas, the report was received.

On motion of Mr. Mottley,

Resolved, That a committee of three be appointed to examine the subject in relation to the Mexican prisoners, and report to this house the best course to be adopted in regard to their future disposition, and that they have power to retain said prisoners.

On motion of Mr. Thomas the resolution was laid on the table.

Mr. Rusk introduced the following preamble and resolution:

Whereas information having reached this convention of the embodying of a large force of Indians, above the San Antonio road,

Be it resolved by this convention, that Captain Black and Captain Bennett, be authorized to raise a company of volunteers, not to exceed fifty men, and proceed forthwith to the place specified, to disperse them, and after so doing proceed to Bexar.

Resolved, further, that said captains Black and Bennett, be authorized to press provisions, if not to be obtained otherwise, and draw upon the future government of Texas for the reasonable expenses of said expedition.

And the question being taken thereon, it was decided in the affirmative.

The President laid before the convention the petition of J. G. Robertson, praying to be discharged from imprisonment.

On motion of Mr. Rusk, the petition was laid on the table.

On motion of Mr. Pennington.

Resolved, That the late Governor Smith, the late Lieutenant Governor Robertson, and the late Council, be required to lay before this house the names of all the officers of the regular army, appointed by the council of the provisional government,

giving information as far as possible when they were appointed, where they are located, and upon what duty, if any, and their grade, together with all other officers appointed in the ranging corps.

Resolved, That a committee of two be appointed to wait on the late Governor Smith, the late Lieutenant Governor Robertson, and the late Council, with copies of this resolution, and request them to furnish said information.

And the question being taken thereon, it was decided in affirmative.

Whereupon the president appointed Messrs. Pennington and Badggett, said committee.

On motion of Mr. Hardeman,

Resolved, That all subjects not directly connected with the constitution of this republic, lay on the table until that instrument be adopted by this convention. Which, on motion of Mr. Collinsworth, was laid on the table.

On motion of Mr. Parmer,

Resolved, That all commissioned officers in the regular army, who have not the number of men required by law, under their command, or who are not in the field, shall be subject to draft the same as private citizens.

And the question being taken thereon, it was decided in the affirmative.

On motion of Mr. Parmer,

The convention adjourned till to-morrow morning, nine o'clock.

WEDNESDAY, March 9, 1836.

The Convention met pursuant to adjournment.

Mr. Parmer, chairman of the committee appointed to draft a constitution, made the following report:

We, the people of Texas, in order to form a government, establish justice, ensure domestic tranquility, provide for the common defence and general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the republic of Texas.

ARTICLE I.

Section 1. The powers of this government shall be divi-

ded into legislative, executive and judicial. All legislative power herein granted, shall be vested in a senate and house of representatives, which shall be styled the congress of the republic of Texas.

SEC. 2. The members of the house of representatives shall be chosen every year, on the first Monday of October, by the qualified electors, and shall serve for the term of one year from the day of the commencement of the general election.

SEC. 3. No person shall be a representative unless he be a citizen of the republic, and an inhabitant of the county, district, or municipality for which he shall be chosen, and shall have attained the age of twenty-one years.

SEC. 4. The general congress shall, at their first session, and every three years thereafter, until the year eighteen hundred and fifty, then every six years, cause an enumeration to be made of the inhabitants of the republic. At the first session, after making such enumeration, the number of representatives shall be fixed and apportioned amongst the several counties entitled to separate representation, according to the respective number of citizens, and the said apportionment, when made, shall not be subject to alteration until after the census shall be taken.

SEC. 5. The house of representatives shall not consist of less than twenty-four, nor more than forty members, until the population amounts to one hundred thousand, (100,000,) after that, the whole number of representatives shall never be less than forty members, nor more than one hundred; *Provided, however,* That each county shall be entitled to one representative.

SEC. 6. The house of representatives shall choose their own speaker and other officers; and shall have the sole power of impeachment.

SEC. 7. The senators shall be chosen by districts, as nearly equal in number of white inhabitants as may be; each district shall be entitled to one representative and no more; *Provided,* That the number of senators shall never be less than one third, nor more than one half, of the whole number of representatives.

SEC. 8. Senators shall be chosen for the term of three years, and shall reside in the district for which they were elected; and shall have attained the age of thirty years.

SEC. 9 At the first session of congress, after the adopton of the constitution, the senators shall be divided, by lot, into

three classes as equal as may be. The seats of the senators of the first class shall be vacated at the end of the first year, of the second at the end of the second year, of the third class at the end of the third year, so that one third shall be chosen every year.

SEC. 10. The vice president of the republic shall be president of the senate, but shall not vote unless they be equally divided.

SEC. 11. The senate shall choose their other officers, and their president pro tempore, in the absence of the vice president, or when he exercises the office of president; shall have the sole power of impeachments; when sitting for that purpose shall be under oath, and no person shall be convicted without the concurrence of two thirds of the members present.

SEC. 12. Indictment, in cases of impeachment, shall not extend further than removal from office, and disqualification to hold any office of honor, trust or profit under this government. But the party convicted shall be liable to indictment, trial, judgment and punishment, according to law.

SEC. 13. Each house shall be the judge of the elections, qualifications, and returns of its own members. Two thirds of each house shall constitute a quorum to do business, but a smaller, shall adjourn from day to day, and may compel the attendance of absent members.

SEC. 14. Each house may determine the rules of its own proceedings, punish its members for disorderly behaviour, and with the concurrence of two thirds, may expel a member, but not a second time for the same offence.

SEC. 15. Senators and representatives shall receive a compensation for their services, to be ascertained by law; but no increase of compensation shall take effect during the session at which such increase shall have been made. They shall, in all cases, except treason, felony and breach of peace, be privileged from arrest during the session of congress, or in going to or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

SEC. 16. Each house may punish by impeachment during their session, any person, not a member, who shall be guilty of any disrespect to the house, by any disorderly conduct in their presence.

SEC. 17. Each house shall keep a journal of their proceedings, and publish the same, except such parts as, in their

judgment, require secrecy. When any three members shall desire the yeas and nays on any question, they shall be entered upon the journals.

Sec. 18. Neither house, without the consent of the other, shall adjourn, for more than three days, nor to any other place than that in which the two houses may be setting.

Sec. 19. When vacancies happen in either house, the executive shall issue writs of election to fill such vacancies.

Sec. 20. No bill shall become a law until, on three several days it be read in each house, unless in cases of immergency, two thirds of the house where the bill shall be depending, may deem it expedient to dispence with the rule.

Sec. 21. After a bill has been rejected, no bill containing the same substance shall be passed into a law during the same session.

Sec. 22. The style of the laws of this republic shall be, "Be it enacted by the republic of Texas, in general congress assembled."

Sec. 23. No person holding any office under this government, to which any emolument is attached, shall be a member of either house during his continuance in office. Nor shall any senator or representative receive an appointment to any office, which was created, or emoluments increased during the time for which he was elected.

Sec. 24. No collector or holder of public monies shall have a seat in either house of the congress, until he has accounted for, and paid over to the treasuer, all sums for which he may be liable.

Sec. 25. Any member of either house may dispute and protest any act or resolve, and have his reasons entered on the journal.

Sec. 26. No money shall be drawn from the public treasury but in consequence of appropriations made by law. And no appropriations for local or private purposes shall be made, except by the concurrence of two thirds of the members of each house.

Sec. 27. Every bill which shall have passsed both houses of congress, shall, before it becomes a law, be presented to the president of the republic of Texas; if he approve he shall sign it, but if not, he shall return it, with his objections, to that house in which it originated, who shall enter the objections at large on the journals, and proceed to reconsider it. If two-thirds of both houses approve of the purpose of the bill on a reconside-

ration, it shall become a law; but the votes of both houses shall be taken by yeas and nays and entered on the journals of each respectively. If a bill shall not be returned by the president within five days (Sunday excepted) after it shall be presented to him, the same shall be a law in like manner as if he had signed it, unless adjournment of congress prevents its return.

SEC. 28. Every order, resolution or vote, to which the concurrence of both houses may be necessary, (except on a question of adjournment,) shall be presented to the president, and before they take effect shall be approved by him, or being disapproved, shall be passed by two thirds of the senate and house of representatives.

ARTICLE II.

SEC. 1. Congress shall have power to levy and collect taxes, duties, impost and excises; to borrow money on the credit of the republic of Texas, to pay the debts and provide for the common defence and general welfare of the country.

SEC. 2. To regulate commerce with foreign nations and with the Indian tribes. To coin money, regulate the value thereof and of foreign coin. To fix the standard of weights and measures; but shall not make any thing but gold and silver a lawful tender in payment of debts.

SEC. 3. To establish post offices and post roads.

SEC. 4. To declare war, to grant letters of marque and reprisal, and make rules concerning captures on land and water.

SEC. 5. To provide and maintain a navy, to raise and support armies, and to make rules for the government and regulation of the land and naval forces.

SEC. 6. To provide for calling forth the militia to execute the laws of the republic, suppress insurrection and repel invasion.

SEC. 7. To make all laws which shall be necessary and proper for calling into execution the foregoing powers, and all other powers vested by this constitution in the government of the republic of Texas, or in any department or officer thereof.

ARTICLE III.

SEC. 1. The supreme executive of this republic shall be styled the president of the republic of Texas.

SEC. 2. The president shall be elected for the term of three years, by the qualified voters of members to congress, and at the same time and place designated for electing senators and representatives. The person having a majority of all the

votes given, shall be president. If no person have a majority of all the votes given, then the house of representatives shall immediately choose, vive voce, one of the two who have received the highest number of votes, who shall be the president.

Sec. 3. The returns of every election for president shall be sealed up, and transmitted to the seat of government by the returning officers or holders of election, directed to the speaker of the house of representatives, who shall open and publish them in the presence of a majority of the members of each of the houses of congress.

Sec. 4. He shall be thirty-five years of age and a citizen of this republic at the time of the adoption of this constitution, or shall have been an inhabitant of this republic at least three years preceeding his election.

Sec. 5. He shall commence the execution of his office on the second Monday in November next after his election, and continue in the execution thereof until his successor shall have taken the oath prescribed by this constitution.

Sec. 6. The president, at stated times, shall receive for his services a compensation, which shall be neither increased or diminished during the term for which he shall be elected. Before he enters on the duties of his office, he shall take the following oath:

Sec. 7. He shall be commander-in-chief of the army and navy of this republic, and the militia thereof, but he shall not command personally in the field, unless he shall be advised so to do by a resolution of the general congress. And he shall have power to remit fines and forfeitures, to grant reprieves and pardons for offences against the republic of Texas, except in cases of impeachment.

Sec. 8. He shall have the power, by and with the advice and conscent of the senate, to make treaties; *Provided*, Two-thirds of the senators present concur. And he shall, by and with the advice and concent of the senate, appoint ministers and consuls, and all officers whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for.

Sec. 9. The president shall have power to fill all vacancies that may happen during the reeess of the senate, by granting commissions which shall expire at the end of the next session.

Sec. 10. He shall, from time to time, give congress infor-

mation of the state of the republic, and recommend to their consideration such measures as he shall judge necessary. He may, on extraordinary occasions, convene both houses of congress, or either of them. In case of disagreement between them as to the time of adjournment, he may adjourn them, to such time as he may think proper. He shall receive all public ministers; he shall see that the laws be faithfully executed, and shall commission all the officers of the republic.

SEC. 11. There shall be a seal of the republic, which shall be kept by the president and used by him officially, and shall be called the great seal of the republic of Texas.

SEC. 12. All grants and commissions shall be in the name and by the authority of the republic of Texas, be sealed with the seal and signed by the president.

SEC. 13. A secretary of the republic shall be appointed and commissioned during the term of four years, he shall keep a fair register of all the official acts and proceedings of the president, and shall, when required, lay the same and all other papers, minutes, and vouchers relative thereto, before the general congress, and shall perform such other duties as shall be enjoined on him by law.

ARTICLE IV.

SEC. 1. Every free white male citizen of the age of twenty-one years and upwards, and being an inhabitant of the county or district, shall be entitled to vote for members of the general congress for the county or district in which he may reside.

SEC. 2. All elections shall be by ballot.

SEC. 3. All elections by joint vote of both houses of congress shall be viva voce, and each vote entered on the journals.

SEC. 4. A vice president shall be chosen at every election for president, in the same manner, continue in office the time, and possess the same qualifications. In voting for president and vice president, the electors shall distinguish whom they vote for as president and whom as vice president.

SEC. 5. In case of impeachment, removal from office, death or resignation, or absence from the republic of the president, the vice president shall exercise all the powers appertaining to the office of president until another be duly qualified, or the president absent, or impeached, shall return, or be acquitted.

SEC. 6. The president, vice president, and all civil officers

of the republic, shall be removed from office on impeachment, and for conviction of treason, bribery, and other high crimes and misdemeanors.

JUDICIARY.—ARTICLE V.

SEC. 1. The judicial power of the republic of Texas shall be vested in one supreme court, and in such inferior courts as the congress may, from time to time ordain and establish.

SEC. 2. The judges of the supreme and inferior courts shall hold their offices for four years, eligible to a re-election; and shall, at stated periods, receive for their services a compensation, which shall not be diminished during their continuance in office.

SEC. 3. They shall have exclusive admiralty and maritime jurisdiction, and original jurisdiction in all civil cases where the matter in controversy amounts to one hundred dollars.

SEC. 4. The judges, by virtue of their offices, shall be conservators of the peace throughout the republic. The style of all processes shall be "the Republic of Texas;" all prosecutions shall be carried on in the name, and by the authority, of the republic of Texas, and conclude, "against the peace and dignity of the republic of Texas."

SEC. 5. There shall be a district attorney appointed for each district; their duties, salaries, perquisites and and term of service, shall be fixed by law.

SEC. 6. There shall be in each county, a county court, and such justices' courts as the congress may establish.

SEC. 7. The republic shall be divided into convenient counties, but no new county shall be established containing a less quantity than six hundred and twenty-five square miles, nor except on the petition of one hundred free male inhabitants, within the limits or bounds of such new county, prayed to be laid off.

SEC. 8. There shall be appointed, for each county, a convenient number of justices of the peace, one sheriff, one coroner, one trustee, and a sufficient number of constables, who shall hold their offices for two years; to be elected by the qualified voters of the district or county, as congress may direct. Justices of the peace and sheriffs shall be commissioned by the president.

SEC. 9. All proceedings in courts of justice shall be in conformity to the common law, as is applicable to the situation of the republic, and not inconsistent with this constitution, shall be the common law of the land, but no penalty shall be inflicted

under said law, except fine and imprisonment; but congress may, from time to time, alter or abolish such portions of said common law as they may think proper.

SEC. 10. Every person who shall be chosen, or appointed to any office of trust or profit shall, before entering on the duties thereof, take an oath to support the constitution and also an oath of office.

SEC. 11. That each member of the senate and house of representaives shall, before they proceed to business, take an oath to support the constitution, and also the following oath: I, A. B. do solemnly swear that as a member of this general congress I will, in all cases, vote without favor, affection, partiality or prejudice, and that I will not propose or assent to any bill, vote or resolution, which shall appear to me injurious to the people.

ARTICLE VI.

SEC. 1. No minister of the gospel, priest or ecclesiastic shall hold any office in the republic.

SEC. 2. The clerks of the district and supreme courts shall be appointed by the judges of the respective courts.

SEC. 3. The judges may be removed from office by the president, on a concurrent vote of both houses; two-thirds of each house must concur in such vote, and the causes of such removal shall be entered on the journals of each house. The judge, against whom the congress may be about to proceed, shall receive notice thereof, accompanied with a copy of the causes alledged for his removal, at least thirty days before the day on which either house of the general congress shall sit thereupon.

SEC. 4. The judges of the district and supreme courts, and the district attornies, shall be at least twenty-five years of age, and shall be learned in the law.

SEC. 5. The supreme court shall consist of a chief justice and associate judges. The district judges shall compose the associate judges, a majority of which, with the chief justice, shall constitute a quorum.

SEC. 6. The supreme court shall have appellate jurisdiction only, which shall be co-extensive with the limits of the republic, and shall hold its session annually, at such time and place as may be fixed by law.

SEC. 7. The judges of the supreme and district courts shall be elected by joint ballot of both houses of congress.

SEC. 8. The republic of Texas shall be divided into con-

venient judicial districts, not less than three, nor more than eight; there shall be appointed for each district a judge, who shall reside in the same, and hold his term at such times and places as congress may direct.

Sec. 9. In all admiralty and maritime cases, in all cases affecting ambassadors, public ministers or consuls, and in all capital cases, the district court shall have exclusive original jurisdiction.

SCHEDULE.

Sec. 1. That no inconvenience may arise from the adoption of this constitution, it is declared by this convention, that all laws now in force, in Texas, and not inconsistent with this constitution, shall remain in full force, until declared void, repealed, altered, or expire by their own limitation.

Sec. 2. All fines, penalties, forfeitures and escheats which have heretofore accrued to Coahuila and Texas, shall accrue to the republic.

Sec. 3. Every male citizen, who is by this constitution a citizen and shall be otherwise qualified, shall be entitled to hold any office or place of honor, trust or profit under the republic, any thing in this constitution to the contrary notwithstanding.

Sec. 4. The first president and vice president who shall be appointed after the adoption of this constitution, shall be chosen by this convention, who shall immediately enter on the duties of their offices, and shall hold said offices until their successors be elected and qualified as prescribed in article ——— and section ——— of this constitution, who shall have the same qualifications, invested with the same powers, and perform the same duties, which is required of and conferred on the executive head of the republic by this constitution.

Sec. 5. The president shall issue writs of election, directed to the officers authorised to hold elections in the several counties, requiring them to cause an election to be held for president, vice president, representatives and senators to congress, at the time and mode prescribed by this constitution; which election shall be conducted in the manner that elections have been heretofore conducted. The president, vice president, and members of congress, when duly elected, shall continue to discharge the duties of their respective offices for the term and in the manner prescribed by this constitution, until their successors shall be duly qualified.

Sec. 6. Until the first enumeration shall be made as di-

rected by this constitution, the precinct of Austin shall be entitled to one representative; the precinct of Brazoria, two representatives; the precinct of Bexar, two representatives; the precinct of Colorada, one representative; Sabine, one; Gonzales, one; Goliad, one; Harrisburg, one; Jasper, one; Jefferson, one; Liberty, one; Matagorda, one; Mina, two; Nacogdoches, two; Red River, three; Victoria, one; San Augustine, two; Shelby, two; Refugio, one; San Patricio, one; Washington, two; Milam, one, and Jackson one representative.

SEC. 7. Until the first enumeration shall be made, as prescribed by the constitution, the senatorial districts shall be composed of the following precincts: Bexar shall be entitled to one senator; San Patricio, Refugio and Goliad one; Brazoria, one; Mina and Gonzales, one; Nacogdoches, one; Red River, one; Shelby and Sabine, one; Washington, one; Matagorda, Jackson and Victoria, one; Austin and Colorado, one; San Augustine, one; Milam, one; Jasper and Jefferson, one; Liberty and Harrisburg one senator.

SEC. 8. All judges, sheriffs, commissaries and other civil officers, shall remain in office and in the discharge of the powers and duties of their respective offices, until there shall be others appointed or elected under the constitution.

The declaration of rights hereunto annexed, is declared to be a part of the constitution of the republic, and shall never be violated on any pretence whatever. And in order to guard against transgressions of the high powers which we have delegated, we declare, that every thing in the bill of rights contained, and every other right, not hereby delegated, are reserved to the people.

DECLARATION OF RIGHTS.

SEC. 1. That all men, when they form a social compact, are equal in rights; and that no man or set of men, are entitled to exclusive public privileges or emoluments from the community.

SEC. 2. That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times an undeniable right to alter their form of government in such manner as they may think expedient.

SEC. 3. No preference shall be given by law to any christian sect or mode of worship; and every person shall be permitted to worship Almighty God according to the dictates of his own conscience.

Sec. 4. Every citizen may freely speak, write and publish his own sentiments on all subjects, being responsible for the abuse of the same.

Sec. 5. No law shall ever be passed to curtail the liberty of speech or the press. In all prosecutions for libels, the truth may be given in evidence, and the jury shall have the right to determine the law and the fact, under the direction of the court.

Sec. 6. The people shall be secure in their person, houses, papers and possessions, from any unreasonable search or seizures; and no warrant to search any place or to seize on any person or things, shall issue, without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.

Sec. 7. In all criminal prosecutions the accused shall be heard by himself and counsel; to demand the nature of the cause of the accusion; to be confronted by the witnesses against him; to have compulsory procees to obtain witnesses in his favor. And in all prosecutions by presentment or indictment, a speedy public trial by an impartial jury. He shall not be compelled to give evidence against himself, nor be deprived of life, liberty or property, but by due course of law. And no free man shall be holden to answer for any criminal charge but by presentment, indictment or by a grand jury, except in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or in case of impeachment.

Sec. 8. No citizen shall be taken, or imprisoned, or dispossessed of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner disfranchised, or deprived of his life, liberty or property, but by the law of the land.

Sec. 9. No title of nobility, hereditary privileges or honors, shall ever be granted or conferred in this republic. No person holding any office of trust or profit, shall without the consent of congress, receive from any foreign state any present, office or emoluments of any kind.

Sec. 10. No person for the same offence shall be twice put in jeopardy of life or limb. And the right of trial by jury shall remain inviolate.

Sec. 11. All persons shall be bailable by sufficient sureties, unless for capital crimes, when the proof is evident or the presumption strong; and the privilege of the writ of habeas corpus, shall not be suspended except in cases of rebellion or invasion, the public safety may require it.

Sec. 12. Excessive bail shall not be required, nor exces-

sive fines imposed, or cruel or unusual punishments inflicted. All courts shall be open, and every man for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law.

Sec. 13. The person of a debtor, when there is not strong presumption of fraud, shall not be imprisoned, after delivering up his estate for the benefit of his creditor or creditors, in such manner as may be prescribed by law. No person shall be imprisoned for debt in consequence of inability to pay.

Sec. 14. No person's particular services shall be demanded nor property taken or applied to public use, unless by the consent of himself or his representative, without just compensation being made therefor according to law.

Sec. 15. Every citizen shall have the right to bear arms in defence of himself and the republic.

Sec. 16. The military shall in all cases and at all times be in strict subordination to the civil power.

Sec. 17. The sure and certain defence of a free people is a well regulated militia; and it shall be the duty of the legislature to enact such laws as may be necessary to the organization of this republic.

Sec. 18. Treason against the republic, shall consist only in levying war against it, or adhering to its enemies, giving them aid and support.

Sec. 19. No retrospective, or expose facto law, or law impairing the obligations of contract shall be made.

Sec. 20. Perpetuities and monopolies are contrary to the genius of a free government, and shall not be allowed; nor shall the law of primogeniture or of entailments be ever in force in this republic.

GENERAL PROVISIONS.

Sec. 1. The republic of Texas shall include all the country formerly known as the province of Texas; but the people reserve to themselves exclusively the right of hereafter settling the limits and boundaries of the same.

Sec. 2. All lands liable to taxation shall be classed into first, second and third class, divided into first, second and third quality, and shall be taxed according to their several qualities.

Sec. 3. Laws shall be made to exclude from office, sufferage and from serving on juries, those who shall hereafter be convicted of bribery, perjury, forgery or other high crimes and misdemeanors.

Sec. 4. Returns of all elections for officers who are to be

commissioned by the president, and for members of the general congress, shall be made to the secretary of the republic.

SEC. 5. The president and heads of departments shall keep their offices at the seat of government, unless removed by the permission of congress.

SEC. 6. The president shall make use of his private seal until a seal of the republic shall be provided.

SEC. 7. It shall be the duty of congress, as soon as circumstances will permit, to provide by law a general system of education.

SEC. 8. All free white persons who shall emigrate to this republic, who shall, after a residence of six months, make oath before some competent authority, that he intends to reside permanently in the same, and shall swear to support this constitution, and that he will bear true allegiance to the republic of Texas, shall be entitled to all the privileges of citizenship.

SEC. 9. So soon as convenience will permit, there shall be formed a penal code, on principles of reformation and not of vindictive justice; and the civil and criminal laws shall be revised, digested and arraigned under different heads. The laws relating to land titles shall be translated, revised and promulgated.

SEC. 10. All persons who shall leave the country for the purpose of avoiding a participation in the present struggle, or shall refuse to participate in it, or shall give aid or assistance to the present enemy, shall forfeit all right of citizenship, and such lands as they may hold in this republic.

SEC. 11. There shall be a tribunal established by law, from whose decision there shall be no appeal, for the adjudication of all land titles within the republic; but no claim shall be confirmed by said tribunal until congress shall have passed on the same; nor shall congress act on any claim or grant which originated previous to the adoption of this constitution, before the same shall be recommended by said tribunal for confirmation.

SEC. 12. So soon as practicable there shall be established a land office, under such regulations as congress may direct; provided, however, that all those who are entitled to lands under this constitution shall have a preference over all others.

The public lands being the only resource and wealth of the republic, congress shall have no power to give or grant them away, except for a price to be fixed by law. Actual settlers shall have a preference of purchase at the minimum price, so as to include his improvement, on such terms as may be regulated by

law; provided, however, that nothing herein contained will prevent congress providing for the army during the present struggle.

SEC. 13. All persons (slaves and Indians excepted) residing in Texas on the day of the declaration of independence, shall be considered as citizens of the republic and entitled to all the privileges as such. Every man of a family, being a citizen, shall have confirmed to him a league and a labor of land; and every single man of twenty-one years of age and upwards, and such volunteers as may serve faithfully for the term of six months, being citizens, shall have confirmed to him one third of a league of land. And all citizens now actually settled on lands, shall be privileged to include their improvements in their location, over all other claims whatever, except those settlers who have obtained possession of their settlements by lease or rent; and the citizens aforesaid, shall not be required to reside on the lands so confirmed to them, but shall have their boundaries plained marked.

SEC. 14. All lands within the limits of this republic, which are vacant or not held agreeably to law, shall belong to and constitute a fund for the use of the republic; provided, however, that nothing herein contained shall be so construed so as to prejudice the rights of citizens, provided for in this constitution.

SEC. 15. Whereas, it is believed by this convention that great frauds have been committed in obtaining grants for lands and orders for surveys in Texas, do hereby declare all sales of lands made by the legislature of Coahuila and Texas, and located in Texas, and all lands, the locations of which were unauthorized by law; and all grants, the conditions whereof have not been complied with; and all grants or titles issued in violation of the laws of the consultation; and all titles that may be hereafter, issued unless under the authority of this constitution; and all grants that may have been antidated, shall be null and void. Provided there be nothing herein contained to prejudice the grants of lands obtained under the colonization law.

SEC. 16. Where an actual settler on lands hath obtained an order of survey from a commissioner lawfully authorized to act as such; the survey already actually made shall be valid, provided it does not interfere with any other actual settler.

SLAVES.

SEC. 1. All persons of color who were slaves for life, previous to their emigration to Texas, and who are now held as bonded servants or otherwise, shall remain in the like state of servitude in which they would have been held in the country from which they came; provided the person or slave be the

bona fide property of the person holding the same, either by purchase or otherwise. Congress shall pass no law to prohibit emigrants from the United States of America, from bringing their slaves with them, and holding them on the same terms and by the same tenure as they were held in the country from which they were brought. Congress shall have no power to pass laws for the emancipation of slaves; nor shall any person holding slaves be permitted to emancipate them, unless he remove them beyond the limits of this republic; unless, in case of meritorious conduct on the part of the slave, and by the consent of the legislature first had and obtained.

No free person of African desent shall be permitted to emigrate and reside in this republic, unless by special act of congress, which must specify the person by name.

Congress may by legislative acts compel the owners of slaves to treat them with humanity, and provide them with sufficient food and clothing; and may prevent their introduction as merchandise, or from any other country except that of the United States of America.

SEC. 2. In the prosecution of slaves for crimes, no inquest of a grand jury shall be necessary, but the proceedings thereof shall be regulated by law, except in capital cases; the general congress shall have no power to deprive them of a trial by jury.

Any amendment or amendments to this constitution, may be proposed in either house of congress, and if the same be agreed to by a majority of the members of each house, such proposed amendment or amendments shall be entered on the journals with the yeas and nays taken thereon; and it shall be published at least three months previous to the election for members to said congress; and if in congress next chosen as aforesaid, such amendment or amendments shall be agreed to by two thirds of all the members elected to each house, then it shall be the duty of the congress to submit such proposed amendment or amendments to the people, in such manner and at such time as congress may prescribe; and if a majority of the qualified voters for members to congress, shall ratify the same, such amendment or amendments shall become a part of this constitution; provided, however, that amendment or amendments be not submitted more than once in three years.

On motion of Mr. Parmer, the report was received.

On motion of Mr. Everett,

The Convention resolved itself into a committee of the

whole upon the report, Mr. Everett in the chair; and after some time spent therein,

On motion of Mr. Roberts,

The committee rose, and Mr. Everett reported that the committee of the whole house had had under consideration the report of the committee, appointed to draft a constitution, and instructed him to report progress and ask leave to sit again.

On motion of Mr. Thomas,

The Convention adjourned till two o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Thomas,

The Convention resolved itself into a committee of the whole house upon the report of the committee to draft a constitution, Mr. Thomas in the chair, and after some time spent therein,

On motion of Mr. Rusk,

The committee rose, and Mr. Thomas reported that the committee of the whole had had under consideration the report of the committee appointed to draft a constitution, and instructed him to report progress and ask leave to sit again.

On motion of Mr. Thomas, the report was received.

Mr. Collinsworth, chairman of the committee on public documents, made the following report:

In regard to the loan contracted by your commissioners in the United States, your committee are of opinion that it is not so advantageous to this government as could have been desired. But when it it is considered that the late consultation had declared for the republican principles of the constitution of eighteen hundred and twenty-four, which gave us no distinct national existence; which declaration, however proper at the time, tended very much to abate the enthusiasm felt in our behalf. And when it is further considered, that this fact alone rendered any security on Texas extremely precarious, and that too, at a time when our national existence depended upon the immediate reception of money, provisions and arms, to carry on the war, your committee are satisfied that the loans submitted were the best that could have been made under the circumstances.

Add to this the great importance of at all times preserving good faith as a nation, your committee are of opinion that it is due to your commissioners, and to yourselves, that the loans should be unhesitatingly ratified.

Your committee having also had under consideration the treaty made by your late commissioners, with the small tribes of Indians specified in said treaty, are of opinion that said treaty is probably as favorable as could have been made at the time under all the circumstances, and recommend its ratification.

They have also had under consideration the proposition of John T. Lamar, which proposition is herewith submitted as part of this report, and recommend its adoption.

JAS. COLLINSWORTH, Chairman.

Mr. Childress introduced the following preamble and proviso:

Whereas, the African slave trade being abhorent to the laws of God and the feelings of all civilized nations, the encouragement of such inhuman traffic shall be made piracy by the laws of the land, and all persons legally convicted, before the legitimate tribunals, of being hereafter engaged in it, either directly by capturing Africans, or purchasing them out of slave ships, or knowingly from those who may have previously bought them, shall suffer the punishment of death, and such captured persons to be disposed of in such manner as may be hereafter prescribed by congress: *Provided*, That this article shall not be construed to prohibit emigrants from bringing their slaves into the country, and that no free people of color shall ever be admitted to reside in the republic after the ratification of this constitution. Post. 85 & 105 & 82

On motion of Mr. Rusk,

The resolution was referred to the committee to draft the constitution.

On motion of Mr. Menifee,

The Convention adjourned till to-morrow morning at nine o'clock.

THURSDAY, March 10, 1836.

The Convention met pursuant to adjournment.

On motion of Mr. Rusk,

Resolved, That the late Governor Henry Smith, the late

Lieutenant-Governor Robertson, the late Council, the late Treasurer, the late Auditor and Comptroller of public accounts, be requested to deliver to the house, all the books, papers, journals, correspondence, contracts, orders, laws, and all other papers connected with or relating to their several offices.

Resolved, That the secretary of the house make out, and hand forthwith, to each of the before mentioned individuals, each a copy of this resolution, and request of them the books and papers referred to.

And the question being taken thereon, it was decided in the affirmative.

Mr. Gains, chairman of the committee appointed to examine and report upon the subject of the future disposition of the Mexican prisoners, made the following report:

That all commissioned officers and chaplains in the Mexican army, who are now or may be taken prisoners, shall be held in close confinement, and shall be responsible to pay for their support; they shall be from time to time subject to be exchanged according to the usages of war, or as this government may hereafter think proper.

All non-commissioned officers and privates shall be distributed amongst the inhabitants of Texas, under such rules as this government may adopt, always being subject to be exchanged and dealt with according to the rules of war; that the said prisoners shall be compelled to do bodily labor for their support, and that said inhabitants will be compelled to treat said prisoners as Mexican hired servants.

Should any of said prisoners desert, they shall be tried by a court martial and punished accordingly.

On motion of Mr. Gains, the report was received.

Mr. Hardeman called for the resolution laid on the table, proposing to lay all subject matter on the table, not connected with the constitution, until the adoption of that instrument; and the house sustained the call.

Whereupon, Mr. Rusk offered the following amendment: "Unless taken up by two thirds of the house, without debate;" which was accepted by the introducer of the resolution.

And the question being taken on the adoption of the resolution with the amendment, it was decided in the affirmative.

The president laid before the convention, the letter of Mr. G. B. Franks; and

On motion of Mr. Childress, the same was referred to the committee on military affairs.

On motion of Mr. Potter,

Resolved, That all persons (slaves and Indians excepted) residing in Texas, on the day of the declaration of independence, shall be considered as citizens of the republic, and entitled to all the privileges as such. The citizens of Texas shall be entitled to, and are hereby confirmed in their lands, in the following manner and proportions, viz: every man of family shall be entitled to a league and a labor of land, and every single man, of the age of twenty-one years, shall be entitled to a third of a league of land; which several portions of land, the persons entitled to the same, shall be privileged to locate on any vacant lands; and all citizens now settled in Texas, shall, in the location of their lands, be entitled to include their settlement in preference over all other persons or claims, whatever; except those from whom such settler may have received his settlement, by rent or lease; and it shall not be obligatory on the settler, to live on his land, but he shall have the lines plainly marked.

And, whereas, there is good reason to believe that many fraudulent grants of land, or grants, the condition of which have never been complied with, have been located in Texas: therefore,

Be it ordained, that the first congress which shall convene under the constitution, shall establish such tribunals as it in their wisdom may think proper to adjudicate and determine, without the right of appeal or future litigation, the validity of the above mentioned grants; provided, however, that in no case whatsoever, shall any of the above mentioned grants interfere with the actual settler, in the occupancy of the land, or being a citizen of Texas, may rightfully claim it as his head right, under this constitution, or the colonization laws of the Mexican government.

Provided, that nothing herein contained, shall deprive any citizen of Texas, of rights already vested by the laws of the land. It shall be the duty of congress to provide for the volunteers who have so faithfully served Texas in the field, or who may hereafter serve against the enemy, by setting apart so much of the most valuable portions of the public lands, as will answer that purpose. In the event of the death, without will, of any person entitled to land under the constitution, or the colonization laws of Mexico, his children, or next of kin, shall inherit his land; each and every person holding or claiming land in Texas, either in their own name or by agent, within six months from the date of the declaration of independence, be-

come citizens of this republic; and reside during the war, within the limits of Texas, unless absent on public business, or on leave according to law; and in every case of failure to comply with this requirement, the individual so failing shall forfeit to the republic all interest, right and title, in and to, all lands within the limits of Texas, whether claimed or owned in their own name, or by agent; nor shall any alien ever hold land within the limits of Texas, whether claimed or owned in their own name, or by agent.

On motion of Mr. Menifee, the preamble and proviso was laid on the table.

Mr. Bunton, chairman of the committee appointed to inquire into, and report upon, the condition of the army, number of officers, and privates, &c., made the following report:

Your committee, to whom was referred the present situation of the army, and the quantity of public stores, and munitions of war, now on hand, and where deposited, report, that under present circumstances, your committee cannot obtain the requisite information to enable them to make a report correct, in all its details, they therefore submit the following, for the information of the house, viz:

The number of officers now in commission are as follows:

One Major General; one Adjutant General; and the appointment of the other officers of the staff of the Major General, to wit: one Inspector general; one Quarter Master General; one Pay Master General; one Surgeon General, and four Aid-de-camps; we cannot ascertain.

The officers of the regular army consist of

INFANTRY—One Colonel; one Lieutenant Colonel; one Major; Captains, ten in number; first Lieutenants, ten; second Lieutenants, ten.

ARTILLERY.—One Colonel: one first Lieutenant Colonel; one second Lieutenant Colonel; one Major; one second Major; Captains, ten; first Lieutenants, ten; second Lieutenants, ten; third Lieutenants, nine.

CAVALRY.—One Lieutenant Colonel; one Major; Captains, six; first Lieutenants, six; second Lieutenants, six; Cornets, six.

RANGERS.—One Major; three Captains; three first Lieutenants, and three second Lieutenants.

VOLUNTEER OFFICERS.—One Colonel; one Lieutenant Colonel; and one Major; two Captains; one first and one second Lieutenants.

Your committee will observe, that from the returns here-

with submitted, they find that one individual holds the rank of colonel in the artillery, and also colonel in the volunteer service.

Of the regular army, there appears to be sixty privates; thirty infantry are stationed at Goliad, and thirty cavalry at the fortress of Bexar.

Of the volunteer army, there are 390 at Goliad, commanded by Colonels Fannin and Ward, and Major Mitchell; and 130 at Bexar, under the command of Lieutenant Colonel Travis.

The officers of the Navy are, one Captain; one first Lieutenant; one second Lieutenant, and one third Lieutenant.

Marine service, one first Lieutenant; one second Lieutenant; Surgeons, one.

Making in all one hundred and twenty-eight commissioned officers, exclusive of the third one commission of the same individual.

Your committee have also learned, (though not officially,) that Captain Turner has arrived, on board the Tamaulipas, with a company of fifty-six men; and that Captain Teal has now under his command forty regular troops.

Statement of the leading articles of provisions belonging to government, and deposited at the following places, to wit:

Brazoria or Velasco—16,579 pounds of bacon; 154 barrels of flour; 207 bushels of corn.

Matagorda.—389 barrels of flour; 50 do. pease; 25 sacks coffee; 18 barrels sugar; 20 do. vinegar; 35 boxes soap; 11 [illegible] tobacco; 40 barrels beans; 2 tierces rice; 1 barrel brandy; 1 do. port wine; 15 do. bread.

Munitions of war.

Velasco or Brazoria.—2000 pounds of lead; 60 bags musket balls; 154 kegs powder.

Velasco.—160 carbines; 75 sabres; 50 pair pistols; 440 muskets; 200 cartridge boxes with belts.

Clothing.—Brazoria or Velasco.—200 pair of blankets; 366 jackets; 366 pantaloons; 570 pair of socks; 62 shirts.

There are also many smaller articles at each place, the particulars of which will be seen by reference to the accompanying invoices, and a quantity of ordnance and munitions at Bexar, as per report no. 1.

J. W. BUNTON, *Ch'n. of Com.*

On motion of Mr. Bunton, the report was received and agreed to.

On motion of Mr. Zavala.

Resolved, That an interpreter shall be appointed by this convention, charged with the duty of translating the constitution and laws of this government into the Spanish language; which was laid on the table under the rule of the house.

On motion of Mr. Bunton, the committee appointed to inquire into and report upon the condition of the army, number of officers and privates, was discharged from further consideration of the subject.

Mr. Gains moved to reconsider the resolution commissioning Messrs. Black and Burnett captains, to raise a company of volunteers to disperse the Indians, supposed to be embodied near the San Antonio road.

And the question being taken thereon, it was decided in the affirmative.

Mr. Gains moved that the resolution be recorded. And the question being taken thereon, it was decided in the affirmative.

On motion of Mr. Everett,

Resolved, That a committee of five be appointed to act as a standing committee of finance; which was laid one day on the table under the rule of the house.

Messrs. Badgett and Penington, a special committee appointed to wait upon the late Governor Smith, the late Lieutenant Governor Robertson, and Council, ask for certain papers and information, made the following report:

Your committee, who was appointed to wait on the late Governor Smith, Lieutenant Governor Robertson and Council, beg leave to report the following:

Governor Smith states that he is unable to furnish the required information, as his archives are in his office at San Philip. Lieutenant Governor Roberson refuses to report to your committee as Lieutenant Governor. The Council furnished the following information.

J. B. BADGETT, and
S. O. PENINGTON.

List of officers of the regular army, appointed by the general council.

INFANTRY.—Edward Burleson, Colonel; Henry Millard, Lt. Colonel; Wm. Oldham, Major.

Captains—James Collinsworth, Andrew Briscoe, James Tarleton, Amasa Turner, Henry Teal, R. M. Coleman, George F. Richardson, John M. Allen, John F. Martin, John Bird.

First Lieutenants—James W. Tinsley, V. Bennet, J. W. Shepard, Wm. H. Smith, George English, Jabez Fitch, John Bonman, Franklin Hardin, F. W. Thornton, Wm. S. Stilwell.

Second Lieutenants—Milton Hardin, Jefferson Allcom, —— McCloskey, D. L. Kokernott, Henry Fisher, Leonard H. Mabbitt, Benjamin F. Saunders, Wm. E. Hooth, Martin K. Snell, Wm. E. Miller.

ARTILLERY.—James W. Fannin, Jr., Colonel; James C. Neil, first Lieut. Colonel; David B. Macomb, second Lieut. Colonel; F. W. Johnson, first Major; T. F. L. Parrott, second Major.

Captains.—Ira Westover, Samuel Williams, I. N. Moreland, Peter J. Menard, George W. Poe, James H. Blunt, B. C. Wallace, James S. Lester, Joseph Bonnel, Robert L. Morris.

First Lieutenants.—John D. McAllister, Almerion Dickinson, John Henry, John Chaffin, Lucius W. Gates, A. H. Jones, Thomas H. McIntire, Samuel G. Hanks, Francis White, Prior Bryan.

Second Lieutenants.—Joseph Cady, Robert H. Foot, C. R. Sharp, Alexander Farmer, Ashmore Edwards, Thomas J. Stansbury, Monroe Edwards, Dugald McFarlane, E. B. W. Fitzgerald, William Simmons.

Third Lieutenants.—Wm. C. Wilson, Wm. Eaton, Robert I. Calder, Walter Lambert, John P. Borden, George Scott, Preston Savory, Rob't. L. Redding, Bennet McNelly.

CAVALRY.—Wm. B. Travis, Lt. Colonel; Wm. P. Miller, Major.

Captains.—Jesus Cuellar, Robert Wilson, John H. Forsyth, B. J. White, Haden Edwards, Wm. G. Hill.

First Lieutenants.—C. K. Simmons, M. W. Smith, Allen Lamson, W[illegible]. M. Eastland, Placido Benavides, Wm. Bracken.

Second Lieutenants.—Joseph E. Scott, Wm. S. Blount, John M. Thruston, Manuel Carbajal, James Drake, I. Bevie, jr.

Cornetts.—E. Y. Barbs, John V. Morton, Prospect McKay, W. O. Llewellin, John Goodrich, Darwin M. Stapp.

RANGING CORPS.—R. M. Williamson, Major.

Captains.—John J. Tumlinson, Wm. W. Arrington, J. W. Burton.

First Lieutenants.—George M. Petty, Jesse McCoy, Wade Horton.

Sec. Lieutenants.—Joseph W. Rogers, Littleton Tumlinson, Thomas Robbins.

On motion of Mr. Badgett, the report was received.

On motion of Mr. Rusk, the report was referred to the military committee.

On motion of Mr. Conrad, the convention resolved itself into a committee of the whole, upon the report of the committee appointed to report an ordinance to organize the physical force of the country; Mr. Conrad in the chair, and after some time spent therein, on motion of Mr. Rusk, the committee rose, and Mr. Conrad reported that the committee of the whole had had under consideration, the report of the committee appointed to draft an ordinance to organize the physical force of the country, and had instructed him to report the same as amended.

On motion of Mr. Rusk, the rule was dispensed with, and the report of the committee of the whole upon the ordinance, reported by the committee appointed to organize the physical force of the country, was read the second time.

Mr. Parmer moved that the word "sixteen" be stricken out.

And the yeas and nays being called for by Mr. Parmer, and two other members, and was decided in the affirmative.

Yeas 26, Nays 18.

Those who voted in the affirmative, are Mr. President, Messrs. Barnett, of Austin, Barnett, of Washington, Clark, Crawford, Conrad, Everett, Fisher, of Gonzales, Grimes, Goodrich, Hardin, Hamilton, Hardeman, Lacy, Legrand, Latimore, Menifee, M'Kinny, Menard, Parmer, Pennington, Stepp, Smyth, Stewart, Taylor and Waller.

Those who voted in the negative, are Messrs. Blount, Badgett, Brigham, Bowers, Bunton, Coleman, Childress, Gazley, Mottley, Power, Robertson, Rusk, Swisher, Scates, Thomas, Turner, West and Woods.

On motion of Mr. Parmer, the word "seventeen" was inserted in lieu of the word "sixteen."

On motion of Mr. Parmer, Messrs. Willis A. Faris, and John McLeod, were appointed assistant secretaries of the convention.

On motion of Mr. Parmer, the house adjourned till three o'clock, P. M.

THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

Mr. Samuel P. Carson, from Red River, appeared, produced his credentials and took his seat, and asked and obtained leave to sign the declaration of independence.

On motion of Mr. Conrad,

Resolved, That the committee on military affairs be instructed to report the proper manner of furnishing, both the regular and volunteer army of Texas, with a proper number of Surgeons, and a Surgeon General, to the medical department of the army.

Mr. Conrad moved that the rule be dispensed with; and that the resolution be put upon its passage.

And the question being taken thereon, it was decided in the affirmative.

The question then recuring upon the adoption of the resolution, which was decided in the affirmative.

On motion of Mr. Collinsworth, the convention took up the report of the committee of the whole upon the constitution.

On motion of Mr. Parmer, the convention took a recess till half past seven o'clock.

HALF PAST SEVEN O'CLOCK, P. M.

The convention met pursuant to adjournment.

The President laid before the house sundry communications, and,

On motion of Mr. Rusk, the same was referred to the committee upon public documents.

Mr. Carson stated that he had received information of the arrival of the Brutus and Invincible, at the mouth of the river Brazos, destined for the service of the republic of Texas; and that it was important to commission those vessels; he would therefore, move that a select committee on naval affairs be raised, to inquire into and report in relation thereto.

And the question being taken thereon, it was decided in the affirmative.

Mr. Carson asked and obtained leave to be excused from serving on the committee proposed to be raised.

Whereupon the president appointed Messrs. Potter, Everett and Fisher, of Matagorda, said committee.

On motion of Mr. Childress, the house again took up the report of the committee of the whole upon the constitution.

On motion of Mr. Carson, after the words, "divided into,"

the words "three departments," and shall forever remain separate and distinct, were inserted in article third, section first.

Section 22. On motion of Mr Menifee, after the words "enacted by," the words "the senate and house of representatives of the," were inserted.

Sec. 5. On motion of Mr. Childress, after the words "shall be," the words "not less than," were inserted.

Sec. 6. On motion of Mr. Rusk, the word, "November," was stricken out, and the word "December" inserted.

Sec. 10. On motion of Mr. Rusk, the latter clause was stricken out, and the following inserted, to wit: "And report the same to the senate, within ten days after the next congress may be convened, and if the senate shall reject the same, the president shall not renominate the same person for the same office."

The president presented the resignation of John Adraham Hizer, as door-keeper, which was read and received.

Mr. Potter from the special committee on naval affairs, asked leave to report, which he did.

On motion of Mr. Rusk, the report was referred back to the same committee.

On motion of Mr. Parmer, the house adjourned till to-morrow morning, nine o'clock.

FRIDAY, March 10, 1836.

The convention met pursuant to adjournment.

The president laid before the house a communication from Mr. Samuel St. John, Jun.

On motion of Mr. Rusk, *Resolved*, by the convention of the people of Texas, that the thanks of this convention, for themselves, and upon the part of the people of Texas, be presented to Mr. Samuel St. John, Jun., for the liberal donation of five thousand dollars, which he has made to our cause, by his letter dated at Mobile, on the 22nd day of February, last.

Resolved, That the president of this convention, communicate to Mr. St. John, a copy of this resolution, with a suitable acknowledgment to the generous donor.

And the question being taken, it was decided in the affirmative.

Mr. Parmer moved that Mr. A. G. Briscoe, from the municipality of Harrisburg, be invited to take a seat in this conven-

tion, as a delegate from said municipality. And the question being put by the chair, it was decided in the affirmative.

On motion of Mr. Rusk, that the rule of the house to prevent any further business being taken up, until the completion of the constitution, without the concurrence of two-thirds of the house be suspended.

And the motion being taken on suspending the rule, and taking up the ordinance in relation to the militia, and physical force of the country; and the question having been put by the chair, it was unanimously agreed to, and then, on motion of Mr. Rusk, that the same be referred to a select committee of three;

And the question being put by the chair, it was agreed to; whereupon,

The president appointed Messrs. Rusk, Thomas, and Benton, said committee.

On motion of Mr. Carson,

The original Declaration of Independence was produced by the secretary, and signed by James B. Woods and A. Briscoe.

The convention then proceeded to the orders of the day upon the constitution; Mr. Thomas in the chair.

Article 3, sec. 14. On motion of Mr. Carson, strike out the whole of said section, and insert in lieu thereof;

"The president shall have power by and with the advice and consent of the senate, to appoint a secretary of state, and such other heads of executive departments as may be established by law;"

And the question being put by the chair, it was decided in the affirmative.

Sec. 15. On motion of Mr. Gasley, strike out the whole section, and insert in lieu thereof: a division of the question was called for on striking out, and decided in the affirmative.

The question then recurred on inserting, and was decided in the affirmative. "Every citizen of the republic who has attained the age of twenty-one years, and resides at least six months within the district or county where the election is held, shall be entitled to vote for members of the general congress."

Mr. Parmer moved to strike out "twenty-one;" and the question being taken thereon, it was decided in the negative.

The yeas and nays being demanded by the number required by the rule of the convention;

Those who voted in the affirmative are Mr. Barnett of Austin, Bowers, Bunton, Childress, Clark, Crawford, Goodrich, Lacy, Legrand, Menifee, Motley, Parmer, Pennington, Robertson, Rusk, Stepp, Twiner, Waller.

SEC. 18. Those who voted in the negative are

Mr. President, Blount, Brigham, Briscoe, Barnett of Washington, Collinsworth, Carson, Conrad, Everett, Fisher of Gonzales, Fisher of Matagorda, Gasley, Hardin, Hamilton, Hardiman, Latimer, McKinney, Moore, Maverick, Potter, Powers, Roberts, Swisher, Smith, Scates, Thomas, Taylor, West,—28.

Mr. Carson moved the further amendment: "Provided, however, all young men, of the age of eighteen years and upwards, who shall have served faithfully in the present war for independence, shall be entitled to vote in the county in which they reside, for members of the general congress, upon their producing certificates of such faithful service."

And the question being taken thereon, it was decided in the negative.

On motion of Mr. Gasley, the convention adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

The convention met pursuant to adjournment.

On motion of Mr. Potter, that John Abram Keiser, doorkeeper of the convention, have leave of absence; and that Joshua Canter be appointed to fill the vacancy;

And the question being taken thereon, it was decided in the affirmative.

SEC. 16. On motion of Mr. Barnett, of Washington, that the blank be filled "by ballot;"

And the question being taken thereon, it was decided in the affirmative.

Mr. Potter, chairman of the committee on naval affairs, asked leave to make the following report; and to enable the committee to make their report, he would move that the rules be suspended, for the purpose of enabling the convention to act upon the report.

And the question being taken thereon, it was decided in the affirmative. Whereupon,

The report was read, and on motion of Mr. Potter, it was received and adopted.

The 7th section of the constitution being under consideration, and on motion of Mr. Ellis, the same was stricken out.

The 8th section being under consideration, on motion of Mr. Carson, the same was stricken out.

The 12th section being under consideration, Mr. Briscoe moved to strike out the same;

And the question being taken thereon, it was decided in the negative.

The 13th section being under consideration, Mr. Grimes moved to strike out "six hundred and twenty-five," and insert "nine hundred;"

And the question being taken thereon, it was decided in the affirmative.

The 15th section being under consideration, Mr. Maverick moved to strike out the whole of the section.

And the question being taken thereon, it was decided in the negative.

On motion of Mr. Rusk, the rule was so far suspended as to authorise the house to take up the following preamble and resolution.

Whereas, the late provincial government of Texas has ceased from the exercise of its functions, and whereas, the power of extending pardon to persons convicted of crime, was by the late convention, vested in the governor and council, the two co-ordinate branches of that government: and whereas, this convention is expressly vested by the terms of their election, with plenary power, touching the well-being of Texas: and whereas, the power of conferring relief, from the severity and extreme rigor of the low, in peculiar cases, is an important, and sometimes a deeply interesting function of government, which should never be permitted to lapse into nonentity, or which is fully equivalent to revert to the people, the source of all power, who are incapable of the specific exercise of any: therefore, be it, and it is hereby

Resolved, That the power of granting pardon or reprieve, in all cases of judicial conviction of crime, resides in this convention, and may be rightfully exercised by them.

On motion of Mr Rusk, that the papers of John M. Smith and others, be referred to a select committee of five, with leave to report upon the same;

Whereupon, the President appointed Messrs. Rusk, Childress, Conrad, Barnett, of Washington and Waller.

On motion of Mr. Zavala,

Resolved, That an interpreter be appointed by the convention, charged with the duty of translating into the Spanish language the constitution and laws of the republic of Texas;

And the question being taken thereon, it was decided in the affirmative.

Mr Rusk presented the petition of Col. Morgan; which was received and referred to a select committee of three;

And the question being taken thereon, it was decided in the affirmative;

Whereupon the President appointed Messrs. Rusk, Carson and Hardeman said committee.

On motion of Mr. Barnett, of Washington,

Resolved, That the committee on military affairs be instructed to draw up and to report to this convention, a commission for Joseph T. Bennett, captain of a volunteer company, now at this place; and that he, the said Bennett, be authorised to draw upon the government for all sums necessary to provision his company on their march, to whatever point they may be ordered;

And the question being taken thereon, it was decided in the affirmative.

On motion of Mr. Hardeman, the house adjourned until ten o'clock to-morrow morning.

SATURDAY, March 11, 1836.

The convention met, pursuant to adjournment.

Mr Collinsworth, chairman of the committee on military affairs, made the following report; to wit:

Convention Hall, March 12, 1836.

To Captain Joseph L. Bennett.—Sir,—You will proceed immediately to the head quarters of the commander-in-chief, and report yourself to him: upon which, and being mustered into service, he will forward to the proper authority the necessary certificte; and commissons for yourself and inferior company officers will be regularly issued. On your way to head quarters, you will be authorized to purchase, on the credit of the government, such provisions as may be necessary for the use of your company, enjoining on you strict economy. And when you cannot otherwise obtain provisions, you are authorized to press such as may be absolutely necessary: but in doing this, you will act with the greatest forbearance, and in such manner as to avoid, as far as possible, all individual distress: and should it be necessary for you to kill any stock, you will keep an account of the marks and brands, so that their proper owners may be compensated: and when you purchase provisions on the faith of the government, you will give the owners certificates therefor.

JAS. COLLINSWORTH,
Chairman of committee on military affairs.

Which, on motion, was received and concurred in.

Mr. Rusk, chairman of the select committee to whom was referred the memorial of J. Morgan made and submitted the following report thereupon, to wit:

The committee to whom was referred the petition of J. Morgan, Esq., beg leave to make the following report:

That they have had the said petition under consideration, and are of opinion, that the provisional government had no authority vested in them to lay imposts and collect duties; and therefore propose the following resolution:

Resolved, That the act laying impost duties, passed by the provisional government, is null, void, and of no effect; and therefore

Resolved, That the said J. Morgan, as well as all others of whom duties may have been demanded under the provisions of that act, be released therefrom.

Be it further resolved, That should any monies have been collected by any officers under said law, it shall be refunded to the persons by whom it has been so paid over:

Which was received, and on motion, concurred in by the convention.

Mr. Rusk, chairman of the select committee, to whom was referred the petition of John M. Smith and William M. Smith, praying a pardon from the sentence of death for murder, have had the same under consideration, and are of opinion, that the case is only having merits, which the time of this convention will not permit them properly to investigate; and in order to give the applicants an opportunity of presenting their petition to the executive, hereafter to be appointed, they therefore propose the following resolution.

Resolved, That the execution of the sentence pronounced against John M. Smith and William M. Smith, be suspended until the first day of May next.

Which was, on motion, received and concurred in.

The secretary of this committee, who was required by a resolution of the body, to call on the late officers of the provisional government, for the papers connected therewith, which was received, and on motion, laid on the table.

On motion of Mr. Rusk, the rule of the house was suspended, and the ordinance reported by the committee charged with that duty.

On motion of Mr. Potter, the house resolved itself into a committee of the whole, upon the ordinance reported as aforesaid, Mr. Potter in the chair, and taken up section by section.

On motion of Mr. Gasley, the committee of the whole rose, and reported the bill, with sundry amendments.

The president resumed his seat.

On motion of Mr. Gasley, the ordinance so reported upon by the committee of the whole, was laid on the table until two o'clock; and on motion the house adjourned until that hour.

TWO O'CLOCK P. M.

The convention met pursuant to adjournment.

Mr. Collinsworth submitted sundry public documents from Messrs. McKinney and Williams, which were, on motion, referred to the committee on finances.

Mr. Barnett, of Washington, introduced the following preamble and resolution:

Whereas, Captain John W. Peacock, a citizen of Perry county, in the state of Tennessee, and United States of America, animated by a noble and generous sympathy for the people of Texas, in their hour of need, gave up the comforts and security of his home, to bring to their aid a gallant band of his countrymen; and whilst courageously engaged amongst the storming columns that led the attack on San Antonio, received a musket ball in his body, of which he is since dead:

Resolved, That the memory of Capt. John W. Peacock deserves to be held in sacred remembrance by the people of Texas, and while they deplore his lamented death, they are not insensible to the obligation of making provision for his family: therefore,

Be it resolved by the delegates of the people of Texas, in general convention assembled, and it is hereby ordered by authority of the same, That the wife and children of said John W. Peacock, or their agent, be, and is hereby authorised to locate a league and labor of land, on any of the vacant lands of the republic of Texas, to be held and divided by and between his wife and children, according to the laws of descent in the state of Tennessee: and,

Be it further resolved by the authority aforesaid, That David Murphy be, and is hereby appointed agent for and in behalf of of the widow and children of the said Capt. John W. Peacock, with full power and authority to take possession of the papers, property, money and effects left by him the said Peacock, in Texas, and preserve the same for the benefit of his family.

Which, on motion, was adopted.

On motion of Mr. Barnett, this resolution was directed to be printed in the public papers of Texas, and in the town of

Shelbyville, in the state of Tennessee, of the United States of America.

On motion of Mr. Rusk, the rule of the house was suspended, to take up the ordinance as reported by the committee of the whole.

The ordinance was taken up, and on motion of Mr. Potter, the words "free persons of color" were stricken out of the exception in section I.

Mr. Potter introduced a resolution to amend the second section as follows: by adding the words "making in separate columns the names of Mexicans and those of other persons within the municipalities of Nacogdoches, Bexar, Refugio, and San Patricio;" and on the question being taken, it was decided in the negative.

Mr. Potter introduced the following as an amendment to section second, to wit: *Provided*, that whenever the militia of any municipality may be embodied for the public service, the white men shall be organized in separate companies, and have the entire control of the elections of their officers."

Mr. Rusk introduced the following, in lieu of Mr. Potter's amendment, which was accepted by him, to wit: "*Provided*, that in the municipality of Nacogdoches there shall be one additional individual appointed whose duty it shall be to make out separate, the names of all natives therein liable to serve, and that they, when drafted, or ordered out, shall be organized in separate corps:" whereupon,

The question being taken, it was decided in the affirmative.

Mr. Pennington dissenting, presented the following as his protest:

"That no minor shall be disfranchised in consequence of failing to muster into service agreeably to this article." S. O. Pennington.

Mr. Powers introduced the following amendment: "and any person coming into any municipality, and remaining there ten days, without reporting himself for military duty, shall be liable to serve before all other persons;" which was adopted.

Mr. Carson introduced the following section as an amendment:

Section 18. *Be it ordained by the authority aforesaid*, That this ordinance remain in full force for and during the term of twelve months, from the day of its passage, and no longer, unless sooner repealed by a congress of the republic; which, on motion, was accepted.

On motion of Mr. Rusk, the rule of the house was suspended, and the ordinance to organize the militia, taken up and put upon its last reading.

Whereupon, the question being taken upon the passage of the ordinance, the same was decided in the affirmative, and ordered to be enrolled.

On motion of Mr Rusk, the chair appointed Messrs. Rusk, Thomas, and Childress, a committee to inspect the enrolment of the ordinance bills.

Mr. Gazley introduced the following resolution:

Resolved, That six hundred copies of the militia laws be printed in hand-bill form; and that twenty of said copies be immediately forwarded to the first judge of each municipality in Texas, who are hereby required to distribute them among the people.

And be it further resolved, That the said law be inserted in the Telegraph and Texas Register, printed at San Felipe de Austin.

And be it further resolved, That a committee of three be appointed to carry the foregoing resolutions into effect; which, on motion was adopted. Whereupon

The chair appointed Messrs. Gazley, Brigham and Everett a committee.

On motion of Mr. Scates, the rainbow and star of five points, above the western horizon, and the star of six points, sinking below, was added to the flag of Mr. Zavala, accepted on Friday last.

Mr. Taylor introduced the following resolution.

Resolved, That the word "Texas" be placed one letter between each point of the star on the national flag.

Mr. Waller introduced the following resolution.

Resolved, That Peter Bertrand, of the municipality of Brazoria, be appointed to organize and draft the militia, agreeably to an ordinance made by this convention; which, on motion was adopted.

Mr. Bunton introduced the following resolution,

Resolved, That the committee on military affairs be instructed to report a plan to this house, by which supplies, arms, munitions, &c. may be immediately despatched to the seat of war; which, on motion, was adopted.

On motion of Mr. Rusk, Messrs. Goodrich and Bunton were appointed a committee to procure a suitable room in which to deposit the public archives.

Mr. Childress introduced the following resolutions.

Resolved, That a single star of five points, either of gold or silver, be adopted as the peculiar emblem of this republic; and that every officer or soldier of the army, and members of this convention, and all friends of Texas, be requested to wear it on their hats or bosoms: which, on motion, was adopted.

On motion of Mr. Gazley, the house adjourned till to-morrow morning, nine o'clock.

SUNDAY, 9 O'CLOCK, A. M.

The convention met pursuant to adjournment.

The communication of Mr. Moody, auditor of public accounts of the late provisional government, was received and laid on the table.

Mr. Goodrich, chairman of the committee appointed to procure a suitable room for depositing the archives of the late provisional governme[illegible], made a report, which was received and concurred in.

On motion, the chairman appointed Messrs. Carson and Fisher, of Matagorda, a committee to forward commissions, &c. to our naval commanders.

Mr. Pennington introduced the following resolution:

Resolved, That a committee of three be appointed to receive, examine, and receipt for all the archives of the provisional government; which was adopted.

Messrs. Pennington, Barnett, of Washington, and Stewart, were appointed by the president, a committee.

Mr. Turner introduced the following preamble and resolution.

Whereas, several families from the neighborhood of San Patricio, San Antonio and Refugio, whose husbands and fathers are in the field, have been driven by the enemy from their homes, and are now in the colonies, without homes or means of support:

Be it therefore resolved, That the agents, contractors, and quartermasters, be instructed and required to furnish such families with the necessary rations for their support and sustenance while their husbands and fathers are in the field; which was, on motion, laid on the table till to-morrow.

Mr. Rusk introduced the following resolutions:

Resolved, That a standing committee on the state of the republic, be appointed by the president; which, on motion, was laid on the table under the rule of the house.

Resolved, That a committee of five be appointed as a standing committee of finance; which was accepted.

Whereupon the president proceeded to appoint Messrs. Collinsworth, Gazley, Hamilton, Childress and Goodrich.

Mr. Brigham introduced the following resolution:

Resolved by this convention, That a national bank be founded, and that the provisional government, when formed, may grant a charter to that effect; which, on motion, was laid on the table, under the rule of the house.

On motion of Mr. Parmer, the house took a recess till the hour of two o'clock.

TWO O'CLOCK, P. M.

The convention met, and was called to order by the president.

Mr. Parmer, chairman of the committee on the constitution, asked and obtained leave to make a further report on the constitution; the same on motion was received.

Mr. Parmer, chairman of the constitution committee, asked that the committee be discharged; which on motion was granted.

On motion, the report of the committee, made on the constitution to-day, was taken up and read.

On motion of Mr. Gazley, the house resolved itself into a committee of the whole upon the constitution, Mr. Gazley in the chair.

On motion of Mr. Potter, the oommittee rose, reported progress, and asked leave to sit again; whereupon leave was granted,

Mr. Carson introduced the following resolution:

Resolved, That a standing committee of five, on naval affairs, be appointed to draw up and forward all necessary instructions and orders for the government of the officers of our navy; and the chairman thereof is hereby empowered to sign all communications in his official character, as chairman; and which instructions and orders, when agreed on by the committee and so signed, shall be binding on the officers to whom directed. It shall be the further duty of said chairman to make out copies of all such communications, and file them with the secretary of this convention, for the use of the government; which was adopted.

Whereupon the president proceeded to appoint Messrs. S. Rhodes Fisher, chairman, Hamilton, Zavala, Gazley, Carson.

The standing committee on naval affairs, by their chairman, S. R. Fisher, reported that they had appointed and com-

missioned the following persons officers in the naval service of Texas; to wit:

George Wheelright, captain to schooner Liberty; Charles Hawkins, captain to schooner Independence; Jeremiah Brown, captain to schooner Invincible; William. A. Hurd, captain to schooner Brutus; Arthur Robertson, captain of marines. All bearing date the 12th day of March, 1836.

Also, that they had forwarded letters of instruction to said officers, copies of which were retained and filed with the secretary of this convention.

On motion of Mr. Gazley, the convention adjourned until nine o'clock to-morrow morning.

MONDAY, MARCH 14, 1836.

The convention met pursuant to adjournment.

Mr. Carson asked leave to be excused from serving on the naval committee, which request was granted; and the president appointed Mr. Waller to fill the vacancy.

On motion of Mr. Powers,

Resolved, That a government brand be adopted, which will be placed on all horses, mules, oxen, carts, wagons, and other property of this republic, as the nature of the case may be; and it is hereby made the duty of the officers in charge of such property, to see the same carried into effect.

On motion of Mr. Potter, the same was referred to the committee on state affairs.

On motion of Mr. Everett, the house resolved itself into a committee of the whole on the constitution, Mr. Everett in the chair; and after some time spent therein,

On motion of Mr. Gazley, the committee rose.

Whereupon, Mr. Everett reported that the committee of the whole had had under their consideration, the report of the committee on the constitution; and had instructed him to report progress, and asked leave to sit again.

On motion of Mr. Everett, the report was received and agreed to; and

On motion of Mr. Gazley, the convention adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

The convention met, pursuant to adjournment.

On motion of Mr. Potter,

Resolved, That a committee of five be appointed to draft a provision for the constitution on the subject of lands; and the

question being taken thereon, it was decided in the affirmative.

Whereupon the president appointed Messrs. Potter, Carson, Childress, Fisher of Matagorda and Coleman.

The president laid before the convention a communication from Mr. Wm. L. Fisher, which was read; and

On motion of Mr. Potter, the same was referred to the committee on naval affairs.

The president laid before the convention the report of the auditor of public accounts, which are as follow—to wit:

Washington, 7th March, 1836.

The honorable president and members of the convention.

In conformity with the existing laws, I beg leave to report, the amount of the government debts from 1st January, 1836, to 7th March instant, both days inclusive, admitted to audit, and drafted for, upon balancing the books and correcting the errors in addition, on account of

Contingent expenses, - - -	$604 78
Civil expenses, - - - - -	6,023 23
Military expenses, - - - -	39,329 79
Amount of government debts, 7th March, 1836, - - - - -	45,957 80

(Signed) J. W. MOODY, Auditor.

Washington, 14th March, 1836.

The honorable president and members of the convention.

In accordance with the existing laws, I beg leave to report, that since the 8th of March, to the 10th instant, inclusive, I have admitted to audit, and drafted for on account of

Contingent expenses, - -	$00,000	00
Civil expenses, - - - -	30	00
Military expenses, - - -	543	65
Amount of government debts on 7th March, - - - - -	$45,957	80
	$46,531	45
Add for contingent expenses as per account of 27th January, -	37	50
Total amount audited and drawn for	$46,568	95
Deduct amount of draft paid in per S. Leeper's Note,	38	00
Amount of government debts on 10th March, - - - - -	$46,530	95

Having ceased operations since the morning of the 11th instant, and balanced the books of the office, they stand thus:

Contingent expenses, - - -	$642 28
Civil expenses, - - - - -	6,053 23
Military expenses, - - -	39,835 44
Amount of government debts, 10th March, 1836, inclusive, -	$46,530 95

Having received information of four families being in a house on this side the Colorado, of which my own is among the number, I must go to their relief. My office and papers being ready for examination, an immediate action is earnestly requested.

I remain, Sir, your obedient servant,

J. W. MOODY, Auditor.

On motion of Mr. Rusk, the same was referred to the committee on finance.

On motion of Mr. Rusk, that the committee rise, and the question being taken, it was decided in the affirmative.

Whereupon the President resumed the chair; and Mr. Carson reported that the committee of the whole had had under consideration the report of the committee on the constitution, and instructed him to report the same as amended; and

On motion of Mr. Carson, the report was received and agreed to.

On motion of Mr. Rusk,

Resolved, That the constitution as reported and amended be referred to a select committee of five, with directions to correct errors and phraseology relating to the present provisions, with leave to submit reflections, by report; and the question being taken thereon it was decided in the affirmative.

Whereupon, the President appointed Messrs. Rusk, Gazley, Hamilton, Gaines and Everett said committee.

Mr. Barnett of Washington, laid before the committee sundry communications from F. W. Smith; which were read, and

On motion of Mr. Carson, the same were referred to the military committee.

On motion of Mr. Rusk,

Resolved, That the committee on military affairs be instructed to make arrangements for furnishing arms, munition, &c. to a company of regulars on their march to the frontier, under the command of lieutenant Teal; and the question being taken thereon, it was decided in the affirmative.

Mr. Goodrich laid before the convention a communication; which was read, and

On motion of Mr. Rusk, the same was referred to the military committee.

Mr. Conrad introduced the following, which was read.

Whereas, Many individuals from the United States have left their homes of peace and comfort, to volunteer in the service of this country, and endure the hardships and perils of war, in its struggle against Mexican tyranny; and have by their generous patriotism and gallant conduct in the field, earned our earnest gratitude; therefore,

Resolved, That bounties of land be, and are hereby granted to said volunteers, as follows:

To all who are now in the service, and shall continue in the service faithfully during the war, 1280 acres.

To all who have served faithfully or who shall serve faithfully for a period not less than six months, 640 acres.

To all who have served faithfully for a period not less than three months 320 acres.

To all who shall enter the service previous to the 1st July next, and shall continue in the service faithfully during the war, provided the war shall continue for a period more than six months, 960. To all who were at the siege of Bejar, 640 acres. To all who shall enter the service after the first day of July next, a quantity proportioned to their services, and to be hereafter determined.

Resolved, That the lawful heirs, or heirs of all such volunteers as may have fallen or may hereafter fall in the present contest with the Mexican government, or who may have died, or may hereafter die, from any accident whilst in the service of the country during the war, shall be granted the quantities of land which would have been due the deceased under the colonization laws, as established by the laws of the land, had he survived, and that is to say one league and labor (acres) for a man of family, and one third of a league (acres) for a single man. Also, that the said heir or heirs shall receive in addition to the land granted as aforesaid, a bounty of 640 acres, as decreed by the council at San Felipe on the 11th day of Dec. 1835.

Resolved, That every applicant for land under those claims, shall present a certificate from the proper officer under whose command he served, the time of his service, faithfulness, discharge, &c. and that the certificate shall be presented to a land commissioner, or such proper agent as might be established by

law, as a voucher for the correctness of the claims. Also, that these claims may be located on any unappropriated vacant land in the country, but no single grant shall be located in more than one body, nor any grant of 1280 acres in any other form than 2 equal squares, nor any grant of 960 in any other form than a square of 640 acres and another square 320 nor any grant of 640 acres in any other form than a square, nor any grant of 320 acres in any other form than a square. The expenses of surveying, office fees, &c. shall be borne by the claimant.

Resolved, That no bounty of land as herein specified shall be construed so as to affect the rights and privileges to land under the colonization laws as established by the laws of the land of any said volunteer, any more than if it had not been granted.

On motion of Mr. Childress, that the rule be suspended and the preamble and resolution be put upon their adoption, and at the suggestion of the introducer the same was laid upon the table, and

On motion of Mr. Parmer, the convention adjourned till 9 o'clock to-morrow morning.

TUESDAY, March 15th, 1836.

The convention met pursuant to adjournment.

1. Mr. Potter, chairman of the select committee to whom was referred that part of the constitution in relation to lands made the following report.

On motion of Mr. Gasley, the same was referred to the select committee on the convention to correct errors and phraseology of the same.

2. Mr. Fisher of Matagorda, chairman on naval affairs made the following report:

On motion of Mr. Childress 1000 copies of the report were ordered to be printed.

Mr. Ellis laid before the convention a communication from Edward Harcourt which was read and referred to the committee on military affairs.

On motion of Mr. Roberts that captain Teal and lieutenant Snell be invited to take a seat within the bar of the house, whereupon

They were invited by the president to take a seat within the same.

On motion of Mr. Thomas.

Resolved, That the military committee be instructed to enquire whether there be a quarter master general to the army; by whom appointed, whether he be in the public service, and

what he has done to provide the army with means and necessaries, and what may have been expended by him.

Resolved, That they further inquire whether there be a paymaster, by whom appointed, whether he be on duty, and what funds have been placed at his disposal and what disposition has been made of them.

And be it further resolved that they be instructed to inquire into the expediency of examining into the conduct of the late commandant of the post of Goliad, and in what manner the public stores and property have been expended and disposed of and report to this convention as soon as possible.

And the question being taken thereon it was referred to the military committee.

On motion of Mr. Goodrich,

Resolved, That a committee on Indian affairs be appointed to examine and report upon the letter of Mr. Frier communicated to this house, and the question being taken, it was decided in the affirmative. Whereupon

The president appointed Messrs. Goodrich, Robertson and Maverick said committee.

On motion of Mr. Everett,

Resolved, That a committee of three be appointed to superintend the making out and publishing a copy of the proceedings of this house, and that said convention be authorised to have 500 copies printed and distributed to the members of this house, for the benefit of their constituents, and that they have power to forward documents by express riders.

And the question being taken thereon, it was decided in the affirmative. Whereupon

The president appointed Messrs. Everett, Fisher of Matagorda and Gasley said committee.

On motion of Mr. Rusk,

Resolved, That Henry Teal be appointed a captain in the regular army of Texas, and that the president of this body issue to said Teal the corresponding commission.

And the question being taken, it was decided in the affirmative.

On motion of Mr. Brigham,

Resolved, That this convention nominate and appoint three discreet and judicious persons resident citizens of the capital of each county or district within this republic; said three persons shall form a body politic, and shall be denominated a police of their respective counties or districts in which they belong and

the provincial government when formed shall recognise and commission those persons so appointed by this constitution as a police during the war, and assign special duties to them; said persons forming this police shall not receive any compensation for their services, but shall be exempt from military duty for the time being. And

On motion, the resolution was laid on the table.

On motion of Mr. Carson, the convention proceeded to the consideration of that part of the constitution as reported by the committee to which was referred the same. And

On motion of Mr. Carson, that the select committee to whom was referred the constitution have leave to withdraw for the purpose of consummating their labors on the same.

The preamble being first read,

Mr. Potter moved to strike out the word "civil."

And the question being taken thereon, it was decided in the affirmative.

Third section being under consideration, Mr. Grimes moved to strike out the "first Monday in October," and insert "the first Monday in September."

And the question being taken thereon, it was decided in the affirmative. And

On motion of Mr. Rusk, the section was further amended by adding "until congress shall otherwise provide by law."

And the question being taken thereon, it was decided in the affirmative.

The fourth section being under consideration, Mr. Powers moved to strike out "21" and insert "25."

And the question was taken on striking out.

The yeas and nays being called for by the requisite number, it was decided in the affirmative. Yeas 22—Nays 18.

Those who voted in the affirmative are:—

Mr. President, Brigham, Everett, Fisher of Matagorda, Lacy, Latimer, Menifee, Hardiman, Hardin, McKinney, Roberts, Hepp, Scates, Smyth, Taylor, Turner, West—22.

Those who voted in the negative are:—

Messrs. Barnett of Washington, Bowers, Briscoe, Buntón, Carson, Conrad, Crawford, Coleman, Fisher of Gonzales, Grimes, Legrand, Mottlay, Potter, Parmer, Robertson, Rusk, Thomas, Zavala—18.

The fifth section being under consideration,

Mr. Rusk moved to strike out the word "forty" and insert "fifty."

And the question being taken thereon, it was decided in the negative.

The seventh section being under consideration,

Mr. Thomas moved to strike out the "proviso" of the section.

And the question being taken thereon it was decided in the affirmative.

Mr. Rusk moved to strike out "Indians and free negroes excepted," after the word population.

And the question being taken thereon, it was decided in the affirmative.

The eighth section being under consideration,

Mr. Potter moved to strike out the word "thirty" and insert "twenty."

And the question being taken thereon, it was decided in the negative.

The ninth to the twenty-seventh being read were unanimously adopted.

ARTICLE SECOND, Section first, second, third, fourth, and fifth having been read,

Mr. Rusk moved to add that "Congress shall have power to grant charters of incorporation, and to grant patents and copy rights.

And the question being taken thereon it was decided in the affirmative.

ARTICLE THIRD, Fifth section being under consideration,

Mr. Legrand moved to strke out the word "three" and insert "two."

And the question being taken thereon it was decided in the negative.

Mr. Parmer moved to strike out "thirty-five" and insert "thirty."

And the question being taken thereon, it was decided in the negative.

The seventh section being under consideration,

Mr. Potter moved to fill the blank as follows: "I, A. B. president of the republic of Texas, do solemnly swear or affirm as the case may be, that I will faithfully execute the duties of my office, and to the best of my abilities preserve, protect and defend the constitution of the republic, so help me God."

And the question being taken thereon, it was decided in the affirmative.

ARTICLE FOURTH. The eighth section being under consideration,

Mr. Potter moved, "provided no judge shall sit upon a cause determined by him in the court below."

And the question being taken thereon, it was decided in the affirmative.

On motion of Mr. Gasley,

Resolved, That colonel Daniel Pittman be authorised as assistant quarter-master, to furnish supplies to the volunteers and regulars who are preparing to march to the head quarters of the Texian army.

And the question being taken thereon, it was decided in the affirmative.

Mr. Rusk, chairman of the select committee upon the constitution, reported by resolution.

Resolved, That the constitution so far as reported be read over carefully, section by section, with a reasonable pause between, so that each member of the convention may take his memorandums by sections first. And that it be again read by sections for adoption.

The constitution being under consideration,

On motion of Mr. Rusk,

Resolved, That a committee of three be immediately appointed to draw copies of the late act organising the militia, and that the president of this body issue his orders under the provisions of that act ordering out one third of the militia.

And the question being taken thereon, it was unanimously decided in the affirmative. Whereupon

The president appointed Messrs. Carson, Collingsworth and Childress said committee.

On motion of Mr. Power,

Resolved, That a select committee of two be appointed to superintend expresses.

And the question being taken thereon, it was decided in the affirmative. Whereupon

The president appointed Messrs. Parmer and Waller said committee.

On motion of Mr. Rusk, the convention adjourned till 9 o'clock to-morrow morning.

HALF PAST SEVEN O'CLOCK, P. M.

The convention by unanimous consent proceeded to business.

Section eleventh being under consideration,

After the word but "no new county shall be laid off unless it be done upon the petition of one hundred free male inhabi-

tants of the territory to be laid off in a county, and unless the said territory shall contain nine hundred square miles."

And the question being taken thereon, it was decided in the affirmative.

On motion of Mr. Potter, the convention adjourned till to-morrow, 8 o'clock.